

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 19845 of 2013

Reserved On : November 17, 2015

Pronounced On : 01.12.2015

Renu Bala Petitioner

vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Anand Bhardwaj, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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DEEPAK SIBAL, J. :

The relevant facts, which require to be noticed to settle the controversy raised in the present petition, are that on 10.10.1997, the petitioner along with one Suman Lata and Kamla Rani was appointed as a Hindi Teacher on ad hoc basis. In the merit list, which was drawn, the petitioner ranked higher to Suman Lata and Kamla Rani. On 28.05.1998, all the three aforesaid persons were relieved, which action on the part of the respondents was challenged before this Court through different writ

petitions. The petitioner filed **C. W. P. No. 8126 of 2002**, whereas Suman Lata and Kamla Rani approached this Court through **C. W. P. No. 2142 of 2002**. This Court disposed of both the aforesaid writ petitions by directing the respondents to consider their cases for reinstatement. In compliance with the earlier referred orders passed by this Court, vide order dated 02.04.2002, Suman Lata and Kamla Rani were reinstated, but the petitioner, vide order dated 30.12.2002, was not. The refusal to reinstate the petitioner gave her a cause to again approach this Court, which she did through **C. W. P. No. 10363 of 2003**, which was disposed of vide order dated 20.10.2005 on the statement made on behalf of the State Government that the matter pertaining to the reinstatement of the petitioner was under consideration.

On such re-consideration, vide order dated 30.06.2006, the petitioner was also reinstated in service. It deserves notice that there was no change in circumstance between the reinstatement of the aforementioned Suman Lata and Kamla Rani on 02.04.2002 and the reinstatement of the petitioner on 30.06.2006.

In pursuance to the policy of the State of Haryana, the services of Suman Lata and Kamla Rani were regularized with effect from 01.10.2003, but the step-motherly treatment in the case of the petitioner continued as no order of regularization was passed in her case.

Seeking regularization of her services with effect from 01.10.2003, as had been done in the case of the aforementioned identically placed persons, the present writ petition was filed.

While the present writ petition was pending, the petitioner's services were regularized, but only with effect from 28.05.2014 and not from the date the above mentioned identically placed persons were.

The above referred facts speak for themselves. Since the year 1997, the petitioner along with Suman Lata and Kamla Rani, was appointed through the same order, though on ad hoc basis. In that order, the petitioner was shown higher in merit than them. They were relieved on the same date, against which all of them approached this Court through separate petitions, which were disposed of by directing the respondents to take a decision with regard to their reinstatement. The blue-eyed Suman Lata and Kamla Rani were reinstated, whereas the petitioner was not, for which she had to again knock the doors of this Court, in which the State filed a written statement stating therein that the matter with regard to her reinstatement was being re-considered. On such pleading by the State, this Court disposed of the petition. Thereafter, the State, on its own, reinstated the petitioner in service. The favourable treatment in the case of Suman Lata and Kamla Rani, as apposite to the adverse treatment in the case of the petitioner, continued as services of Suman Lata and Kamla Rani were regularized with effect from 01.10.2003, whereas the case of the petitioner, who was identically situated, was ignored. Seeking such regularization, the petitioner filed the present writ, which is the third bout of litigation between her and the respondents.

There is no reason forthcoming from the record so as to why

the services of Suman Lata and Kamla Rani were regularized with effect from 01.10.2003 as in contradistinction to the regularization of services of the petitioner with effect from 28.05.2014. It has further not been satisfactorily explained so as to how the cases of Suman Lata and Kamla Rani on one hand, and the petitioner on the other hand, were distinguishable, especially when all three were appointed at the same time, to teach the same subject, in the same District and relieved at the same time. The arbitrariness in the action of the respondent State is writ large, since with regard to reinstatement and regularization of services, orders were passed by the State in the cases of Suman Lata and Kamla Rani on their own, whereas the petitioner was forced to approach this Court for the same relief.

In view of the above position of facts, I have little hesitation in directing that the petitioner be treated to be a regular Hindi Teacher with effect from 01.10.2003 i.e. the date with effect from which the services of the identically situated persons namely Suman Lata and Kamla Rani have been regularized. The petitioner shall be entitled to all consequential benefits. However, arrears are ordered to be limited to 38 months prior to the filing of the present writ petition.

The writ petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

Pronounced On : 01.12.2015