

**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

CWP No.27304 of 2013

Date of Decision:01/10/2015

Suraj Mal and others

...Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Deepak Sonak, Advocate for the petitioners.
Ms. Shruti Jain Goyal, A.A.G. Haryana.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest?

DEEPAK SIBAL, J. (Oral)

The services of all the petitioners, who were working as part time Class-IV employees with the respondents, were regularized through different orders passed in the year 2011-12 (Annexures P-2 to P-4), a perusal of which shows that they had been regularized in terms of the order of this Court in a bunch of petitions the leading case in which was CWP No.11774 of 2000; Jaibir and others v. State of Haryana and others; decided on 24.9.2001. Though the order of this Court had been passed on 24.9.2001, the services of the petitioners were regularized only in the year 2011-12 for the reason that the above-said order of this Court had been challenged by the State of Haryana before the Apex Court which challenge came to end on the dismissal of the SLP on 22.3.2010.

Though the petitioners have been regularized from an earlier date, they have been denied their arrears of pay which are claimed through the present petition.

Learned counsel for the State of Haryana defends the non grant of arrears primarily on the ground that the services of the petitioners have been regularized in terms of the order of this Court dated 24.9.2001 in

which arrears had been denied to the petitioners therein.

In response to the above submission made on behalf of the learned counsel for the State of Haryana, learned counsel for the petitioners has brought to my notice an order passed by this Court in COCP No.1092 of 2011; Premo Devi and another v. Smt. Surina Rajan and others; decided on 25.1.2012 wherein this Court has held identical placed persons entitled to arrears w.e.f. 1.4.2010 i.e. after the dismissal of the Special Leave Petition preferred by the State to challenge the order of this Court dated 24.9.2001 as noticed above. The relevant portion of the order reads as under:

“5. Having heard learned counsel for the parties and in order to strike equitable balance, I am of the considered view that the petitioners would be at least be entitled to arrears of pay soon after dismissal of the SLP by the Hon'ble Supreme Court.

6. The contempt petition is accordingly disposed of with a clarificatory direction to the respondents that the petitioners shall be paid arrears of pay w.e.f. 1.4.2010 onwards, within a period of four months from the date of receipt of a certified copy of this order.”

The case of the petitioners is fully covered by the above quoted directions issued by this Court.

In view of the above, the petitioners are held entitled to the grant of arrears w.e.f. 1.4.2010 as granted by this Court to identically situated persons with all other consequential benefits.

The arrears be calculated and paid to the petitioners within a period of three months from the date of receipt of a certified copy of this order.

The writ petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

01.10.2015
rajeev