

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

CWP No.3465 OF 1998

DATE OF DECISION : 26th MAY, 2016

Raksha Sharma & another

.... Petitioners

Versus

The State of Haryana & others

.... Respondents

CWP No.7894 OF 1998

Smt. Prem Behal & others

.... Petitioners

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

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Present : Mr. R. K. Malik, Senior Advocate with
Mr. Kuldeep Sheoran, Advocate for the petitioners.

Mr. M. S. Sidhu, Additional Advocate General, Haryana.

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RITU BAHRI, J. (ORAL)

Challenge in this petition is to the orders dated 17.11.1997 (Annexure P-14). Vide impugned order the State has withdrawn the order dated 17.01.1997 whereby the petitioners have been given the deemed date of appointment as Principal w.e.f. 28.01.1988 (Annexure P-12). The order of regularizing their service is dated 13.01.1997 where the correct date has been given as 28.01.1998. The petitioners were appointed pursuant to advertisement issued on 12.08.1985 whereby the posts of Principal for HES

Class II (Woman Branch) were advertised. They were allotted and given appointment. Thereafter on 31.05.1990 their initial appointment was on adhoc basis. They joined on 19.01.1988. Thereafter the Haryana Public Service Commission vide letter dated 31.05.1990 (Annexure P-4) took a decision that the petitioners be appointed on regular basis from the date when they were appointed on adhoc basis. This decision was taken keeping in view that initially at the time of interview two posts which were meant for scheduled casts candidates have been advertised but on account of non-availability of suitable candidates these vacancies were again advertised and on the second and third occasion when no candidate was available these two posts were converted into general category and one post of general category was available when these two petitioners were appointed. And in this background the decision was taken to appoint the petitioners on regular post from the date they were appointed on adhoc basis. After this letter Annexure P-4, order of regularization (Annexure P-12) passed giving the date of regularization of 28.01.1988 and subsequently the impugned order Annexure P-14 has been passed withdrawing the earlier order Annexure P-12 granting regularization to the petitioners w.e.f. 28.01.1988.

When notice was issued on 10.03.1998 in the writ petition, the operation of impugned order Annexure P-14 was stayed and thereafter on 22.05.2001 the writ petition was admitted.

Mr. Malik, senior counsel for the petitioners has informed that during the pendency of the writ petition the petitioners have since retired and they have got consequential promotions and benefits pursuant to the order Annexure P-12 whereby their date of regularization was taken to be 28.01.1998.

Keeping in view that the petitioners have retired, this petition at this stage is disposed of by observing that the benefits extended to the petitioners on the last pay drawn shall not be disturbed by the respondents and the petitioners are entitled to the pension on the last pay drawn.

26TH MAY, 2016
'raj'

(RITU BAHRI)
JUDGE