

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

C.W.P No. 13751 of 2015

Date of decision : 17.03.2016

Parveen Kumar and ors.

...Petitioners

versus

Shri Mata Mansa Devi Shrine Board & anr.

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Malik, Sr. Advocate with
Ms. Rimpal Kadyan, Advocate
for the petitioners.

Mr. R.D. Bawa, Advocate
for the respondents

RITU BAHRI , J.

C.M. No. 1175 of 2016

Application is allowed as prayed for.

Accordingly, written statement on behalf of the respondents
is taken on record.

C.W.P No. 13751 of 2015

By way of present writ petition, petitioners are seeking writ
in the nature of certiorari for quashing condition imposed in
regularization order (P-3) whereby it has been held that the petitioners
cannot claim back wages and further prayer is to release the pay scale

of Rs.5200-20200+1900 G.P W.E.F 28.05.2014 and all arrears be released.

The grievance of the petitioners before this court is that the services of the petitioners have been regularized on 28.04.2015/08.05.2015 (P-3) w.e.f 28.05.2014 as per policy decision (P-1 and P-2). However, in this order, condition has been imposed that the petitioners cannot claim back wages.

Learned counsel contends that the services of the petitioners have been regularized w.e.f 28.05.2014 but they have not been paid any arrears/backwages w.e.f 28.05.2014 as condition No. 12 has been introduced in the order, which reads as under:-

“(12) he will not claim any back wages”

Learned counsel contends that once the petitioners fulfill all the conditions of regularization policy dated 18.06.2014, they could not be deprived of back-wages in the pay scale of Rs.5200-20200+1900 G.P by imposing the impugned condition No. 12 mentioned above. The petitioners who have served the department for a period of more than 03 years, cannot be denied benefit of regular pay scale of Rs.5200-20200+1900 G.P merely by imposing condition No. 12 that they will not claim any back wages.

The respondents are not favouring the petitioners by regularizing them. It is the policy by which their services have been

regularized w.e.f 28.05.2014. It is the right which the petitioners have acquired by policy decision dated 18.06.2014 as they fulfill all the conditions of regularization policy.

For the reasons stated above, the writ petition is allowed with a cost of Rs.20,000/-, to be paid to the petitioners and condition No. 12 of order dated 23/29.07.2015 is hereby quashed and a direction is given to the respondents to pay the regular pay scale to the petitioners i.e Rs.5200-20200+1900 G.P w.e.f 28.05.2014 till the date of regularization i.e 28.04.2015.

17.03.2016

G Arora

(RITU BAHRI)
JUDGE