

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 16057 of 2014 (O&M)

Date of Decision : March 02, 2016

Ram Mehar and others Petitioners

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. Raman B. Garg, Advocate
for the petitioners.

Mr. Harish Rathee, Senior DAG, Haryana.

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DEEPAK SIBAL, J. :

C. M. No. 5321 of 2015 :

Through this application, the present writ petition qua petitioners no. 1, 4, 7 and 9, is sought to be withdrawn, with liberty to file afresh for seeking regularization w.e.f. 01.10.2003.

Dismissed as withdrawn qua petitioners no. 1, 4, 7 and 9 only.

Liberty is granted to seek regularization w.e.f. 01.10.2003.

CM stands disposed of.

Main Case :

Through the present petition, the petitioners seek quashing of order dated 07.08.2014 (Annexure P-9), through which order dated 25.07.2014 (Annexure P-6), through which their services had been regularized w.e.f. 28.05.2014, has been cancelled.

As the present petition has been withdrawn qua petitioners no. 1, 4, 7 and 9, the present order is being passed qua petitioners no. 2, 3, 5, 6, and 8 only.

A few facts, which need to be noticed, are that between the years 1990-2001, all the petitioners were appointed as Beldars on daily wages basis. Through order dated 25.07.2014, their services were ordered to be regularized w.e.f. 28.05.2014 and in pursuance to such order, after being medically examined, they joined their duties. However, through the impugned order dated 07.08.2014 (Annexure P-9), the afore-referred order dated 25.07.2014 (Annexure P-6) is sought to be cancelled.

It is the admitted case between the parties that before cancellation of the order of regularization of the services of the petitioners, no notice or opportunity of hearing has been granted to them. As withdrawal of the orders of regularization passed earlier would certainly entail civil consequences, it was incumbent upon the respondents to follow the principles of natural justice.

In view of the above, the impugned order dated 07.08.2014

(Annexure P-9) is quashed. However, liberty is granted to the respondents to pass a fresh order, but only after complying with the principles of natural justice.

The writ petition stands disposed of accordingly.

(DEEPAK SIBAL)
JUDGE

March 02, 2016
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