

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

**CWP No.15167 of 2016 (O&M)
Date of decision : 01.08.2016**

Poonam Kumari

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

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

...

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that the petitioner was initially engaged on the post of Hindi Teacher on purely contractual basis in the year 1997. In the year 1998, services of the petitioner were discontinued. One Suman Lata and Kamla Rani who are similarly situated filed CWP No.2142 of 2002 before this Court and such writ petition was disposed of on 01.02.2002 calling upon the respondent/authorities to take a decision on the legal notice that had already been served. Similar course of action was adopted in CWP No.7272 of 2002 which was filed by the present petitioner. However, vide order dated 30.12.2002 at Annexure P-6, claim of the petitioner was rejected. Petitioner was constrained then to file CWP No.10363 of 2003 seeking quashing of the order of rejection dated 30.12.2002 and claiming reinstatement in service. On 20.10.2005, the writ petition was disposed of taking notice of the fact that State Government itself was reconsidering the matter. Ultimately, order dated 30.06.2006 was passed reinstating the petitioner in service.

State of Haryana issued instructions/policy dated 01.10.2003 on the subject of regularization of such employees who had completed three years service as on 30.09.2003. In the light of such instructions, the services

of aforenoticed Suman Lata and Kamla Rani were regularized vide order dated 16.10.2006 but w.e.f. 01.10.2003. Services of the petitioner on the other hand were regularized vide order dated 10.11.2014 and w.e.f. 28.05.2014. Prayer raised in the present petition is seeking anti-dated benefit of regularization i.e. w.e.f. 01.10.2003 as had been done in the case of Suman Lata and Kamla Rani.

In support of such claim, counsel has also referred to judgment dated 01.12.2015 passed by a co-ordinate Bench of this Court in CWP No.19845 of 2013 and in which identical claim raised by Renu Bala and who was also claiming parity with Suman Lata and Kamla Rani has been allowed and directions have been issued to grant to her benefit of regularization w.e.f. 01.10.2003. It is the contention of the counsel that a Letters Patent Appeal has not been filed by the State against the judgment dated 01.12.2015 rendered in CWP No.19845 of 2013.

In the light of the factual position taken notice of, I deem it appropriate to dispose of the present petition with a direction to respondent No.2/The Director, Elementary Education, Haryana to consider the claim of the petitioner in accordance with law and in the light of judgment dated 01.12.2015 passed in CWP No.19845 of 2013 and by passing a well reasoned speaking order on the demand notice dated 16.03.2016 at Annexure P-14 within a period of four months from the date of receipt of the certified copy of this order.

Disposed of.

01.08.2016
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether Reportable? | No |