

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

CWP No.16031 of 2016 (O&M)

Date of decision:09.08.2016

Khazani Devi

... Petitioner

Vs.

State of Haryana & others

... Respondents

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

Present: Mr. Sandeep Singal, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that the petitioner was engaged as a Water Carrier on part time basis w.e.f. 27.09.1993 under the Haryana State Education, Department. On 31.03.2000, her services were dispensed with. Industrial dispute having been raised, award was rendered by the labour Court on 14.07.2014 directing her reinstatement with continuity in service along with 50% backwages.

Counsel submits that the writ petition preferred by the department challenging the labour Court award has been dismissed by this Court and even LPA has been dismissed thereafter. Towards compliance of the award, petitioner was reinstated on 07.11.2015 and two days thereafter i.e. on 09.11.2015, she was discharged from service having attained age of 60 years.

Counsel has referred to memo dated 02.03.2012 (Annexure P-4) issued from the office of District Education Officer, Secondary Education, Haryana to assert that certain other part time employees, namely, Kulwanti, Name Kaur, Omparkash and Shri Bhagwan, who had also been engaged as Water Carrier on part time basis but subsequent in point of time

to the date of engagement of the petitioner have been granted benefit of regularization w.e.f. 17.01.2012.

Contention raised by counsel is that the labour Court award having been rendered in favour of the petitioner directing reinstatement with continuity in service, there would be a deeming fiction whereby the petitioner would be treated to be in service right from the inception i.e. from 17.09.1993 and accordingly the petitioner is also entitled to the benefit of regularization w.e.f. 17.01.2012 i.e. the date her juniors have been granted such benefit.

Counsel submits that at this stage, he would be satisfied if directions would be issued to the respondent/authorities to consider the claim of the petitioner in the light of a legal notice that has already been served.

Without making any observations on merits and without even ascertaining the correctness of the averments, the present petition is disposed of with a direction to respondent No.3 i.e. the District Education Officer, Rohtak, Haryana to consider the claim of the petitioner strictly in accordance with law and by passing a well reasoned speaking order on the legal notice dated 04.08.2016 (Annexure P-5) within a period of four months from the date of receipt of a certified copy of this order.

Disposed of.

09.08.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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