

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21581 of 2016

Date of Decision: 19.10.2016

Rajesh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K. Malik, Sr. Advocate,
with Mr. Bhupinder Malik, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.

The facts of this case squarely fit into the facts in CWP No.27024 of 2013 and four connected writ petitions cited as in lead petition titled *Jai Bhagwan v. State of Haryana and others* decided by a Coordinate Bench on January 20, 2016 in cases involving an identical issue arising in the same department on the same cause of action just as the petitioner Rajesh seeks in this petition brought by him. Like those in *Jai Bhagwan etc* Rajesh works as a daily wager in the respondent department. His claim for regularization is based on the foothold of relief obtained by similarly placed persons whose writs have been allowed in *Jai Bhagwan's* case. A copy of the judgment has been placed on record as Annex P-8.

Since the matter involves the same department and a common lis, Mr. R.K. Malik, learned Senior counsel appearing for the petitioner submits that the petitioner is entitled to similar relief on principles of parity of treatment and equality with those who are happy and enjoying the fruit of litigation. That apart, Mr. Malik cites the law in Hari Nandan Prasad and another v. Employer I/R to Management of FCI and another; 2014 (2) SCT

234 (SC), Khajjan Singh v. State of Haryana & Others, 2015 (1) SCT 604: 2015 (2) RSJ 135 and the learned Single Judge decision in CWP No.9873 of 2013 in case titled *Raj Kumar v. State of Haryana and others* decided on May 07, 2015 (P-6) relying on dicta in *Hari Nandan Prasad* and *Khajjan Singh* cases and the law enunciated by the Supreme Court in Maharashtra State Road Transport Corporation Ltd. vs. Casteribe Rajya P. Karmchhari Sanghatana, (2009) 8 SCC 556.

In view of the settled legal position so far as the department is concerned it would not be necessary to issue notice of motion in this case to the same department which has implemented the orders passed against it only to delay the matter for awaiting response expecting a different result. It would be expecting too much from the State to take a different stand in this case and, therefore, this writ petition is allowed to the extent that the department will take up the representation dated August 22, 2016 (P-5) submitted by Rajesh and pass an appropriate order in the light of the orders passed in implementation of the decision in *Jai Bhagwan's case (supra)*.

As a result of the aforesaid factual position a direction is issued to the respondents to consider the case of the petitioner and grant him the desired relief. Let the consideration take place within three weeks from the date of receipt of certified copy of this order.

On the passing of the order, the petitioner would be entitled to all consequential benefits in the same terms as granted to the petitioners in the aforesaid bunch of cases so that petitioner is not compelled to come back to this Court for resolution of consequential and residuary issues in the future and all rights flowing from regularization from the appropriate and

due date are taken care of today to prevent the burden of litigation which might be forced upon the petitioner tomorrow needlessly. As the saying goes; a stitch in time saves nine.

Order dasti.

(RAJIV NARAIN RAINA)
JUDGE

19.10.2016
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Whether speaking/reasoned	Yes
Whether reportable	No