

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: April 28, 2017

1) *C.W.P. No.1373 of 2016*

Mahender Singh and others

.... Petitioners

Versus

State of Haryana and another

... Respondents

2) *C.W.P. No. 10721 of 2016*

Rajinder Prashad

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Ms. Jagruti Kalia, Advocate,
for Mr. S.P. Arora, Advocate,
for the petitioners.

Mr. R.K. Doon, AAG, Haryana.

P.B. Bajanthri, J. (Oral)

1. By this common order, both the civil writ petitions i.e. CWP Nos. 1373 and 10721 of 2016 are being decided together as similar facts are involved in these writ petitions. However, for brevity, facts have been taken from CWP No. 1373 of 2016.

2. In the instant writ petition, petitioners have sought for directions to the respondents to regularize their services w.e.f. 01.10.2013

with reference to policy relating to regularization issued by the State Government and further fix the seniority of the petitioners etc.

3. Petitioners are stated to have appointed during the years 1996-1999 as daily wagers in Group D posts. Petitioners services have been discontinued or removed from service in the month of March 2003 which was the subject matter of judicial scrutiny before the Industrial Tribunal. The Tribunal decided the dispute of the petitioners while setting aside the order of termination directed for reinstatement with continuity of service and back wages @ 50% in the month of August, 2011. Based on that judicial order, petitioners are stated to have been reinstated.

4. Short question for consideration in the present petition is whether the service from March 2003 to September 2011 for which period petitioners are out of service could be taken into consideration for the purpose of regularization or not?

5. It is undisputedly petitioners were removed from service in the month of March 2003 and it has been set aside by the Industrial Tribunal and directed for reinstatement with continuity of service and back wages @ 50%. Having regard to the judicial pronouncement relating to setting aside of the removal order read with continuity of service, the official respondents are required to take into the period from March 2003 to September 2011 read with from 1996-1999 to March 2003 for the purpose of regularization as if petitioners services have not been removed. The above factual aspects are required to be taken into consideration for the purpose of regularization of the petitioners w.e.f. 01.10.2003 read with policy relating to regularization issued by the State Government at the relevant point of time.

The competent authority is directed to take a decision and pass a speaking

order within a period of three months from today and communicate the orders to the petitioners.

6. With the above observations, both the aforesaid writ petitions are disposed of.

April 28, 2017

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[P.B. Bajanthri]

Judge

Whether speaking / reasoned : Yes

Whether reportable : No