

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

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**CWP No.16204 of 2017
Date of decision: 26.07.2017**

Surjeet Singh & others

....Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.S.K.Malik, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

Petitioners seek regularization w.e.f. 30.10.2006, i.e., the date when the juniors have been regularized and for further direction to the respondents for releasing all consequential benefits.

It is the case of the petitioners that they were engaged as Class-IV part-time employees, in various capacities, in the Education Department, between the period ranging from 01.08.1995 to 01.05.1997 (Annexure P-1). The petitioners were regularized vide regularization order dated 14.08.2014 (Annexure P-8 Colly) and their grouse is that those who joined subsequently, have been regularized at prior point of time. Reference has been made to the regularization order dated 30.10.2006 (Annexure P-3) in that context, regarding the said fact, to point out that the persons mentioned, namely, Kiran Bala and Rajpal had seniority Nos.236 and 257, respectively, whereas the petitioners' seniority is above that, which would be clear from the regularization order (Annexure P-8) itself. It is further his contention that the said persons had joined on 21.07.1999 and 01.08.2000 and a legal notice has already been served upon the respondents on 25.03.2017 (Annexure P-5) for the said relief, but the same has not been decided.

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Counsel further submits that he would be satisfied if a direction is issued to the respondents to decide the said legal notice, within a fixed time-frame.

Notice of motion.

Ms.Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents. Copy of the paperbook has been supplied to him.

Without commenting upon the merits of the case or the entitlement of the petitioners for the abovesaid relief and keeping in view the fact that the matter is still pending consideration, the present writ petition is disposed of, with direction to respondent No.2 to take a decision on the legal notice dated 25.03.2017 (Annexure P-5), within a period of 3 months from the date of receipt of certified copy of the order. Needless to say if the benefit is to be declined, a reasoned order be passed and the same be conveyed to the petitioners. It is made clear that if any adverse action is to be taken against the said juniors, they would, accordingly, be issued notice before withdrawal of any benefits.

26.07.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*