

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

CWP No. 19604 of 2017
Date of decision: 19.12.2017

Sarla

....Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

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

Present: Mr. Bharat Bhushan Sharma, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks appointment against the post of Sweeper/Safai Karamchari on regular basis from the date his juniors were appointed and has accordingly approached this Court under Articles 226 and 227 of the Constitution of India.

It is the case of the petitioner that she is in service since 1997 as a daily wager. The appointment letter dated 18.01.1997 has been placed on record as Annexure P-1. Her services were retrenched on 11.01.2001 and she had raised an industrial dispute which was decided in her favour and further upheld in a writ petition. Thereafter, the Sweepers/Safar Karamcharis who were retrenched were taken back in service but on daily wages and on 13.08.2014 (Annexure P-2), interview was called for various categories of persons. She could not, however, attend the said proceedings as she was out of station. She joined back on 24.08.2014 and on account of not appearing in the interview, she could not follow up her case for regular appointment. It is, thus, her case that she has been ignored on account of

being absent at that point of time.

It is not disputed that the petitioner served a legal notice (Annexure P-8) upon the respondents for the relief as a regular employee which has been replied by the respondent-Corporation on the ground that she had also filed a suit for securing regularization which was dismissed by the Court of Civil Judge, Faridabad. Resultantly, on 31.08.2017, the following order was passed by this Court:-

*“Counsel prays for time to file appropriate affidavit to counter the stand taken by the respondent-corporation that the petitioner's suit had been dismissed by the Civil Judge (Sr. Divn.) at Faridabad.
Adjourned to 18.09.2017.”*

Today, counsel for the petitioner has placed on record copy of the plaint whereby, she had filed a suit for declaration for the necessary relief and the order. A perusal of the same would go on to show that the suit was dismissed in default on 07.10.2015 after the appearance of the Corporation.

Faced with this situation, counsel submits that once the petitioner had preferred a civil suit, he is not in a position to press the present petitioner and prays for liberty to pursue his legal remedies against the order of dismissal in default.

The present writ petition is accordingly disposed of with the abovesaid liberty.

19.12.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No