

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

**CM No.3496 of 2017 in/and
CWP No.25547 of 2014 (O&M)
Date of Decision : 20.03.2017**

Sharmila

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Manoj Makkar, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

AJAY TEWARI, J. (Oral)

CM No.3496 of 2017

For the reasons recorded, application is allowed. Document
Annexure P-11 is taken on record.

CWP No.25547 of 2014

On 19.08.2016 the following order was passed :-

“In the instant petition petitioner has assailed the order dated 31.7.2014 at Annexure P-10, whereby her claim seeking benefit of regularization in service has been rejected. Perusal of such order would reveal that the basis of rejection is that she was not in service on 28.5.2014 and which was one of the requirements under the Regularization Policy.

Petitioner's services had been dispensed with in October, 2013 upon closure of the concerned I.T.I. At that point of time there was already in existence the order dated 21.1.2013, passed by the Hon'ble Supreme Court at Annexure P-4 and

wherein cognizance had been taken of an affidavit filed by the State Govt. that it was willing to accommodate all the eligible respondents numbering 258 and who fulfill the requisite qualifications in the Industrial Training Department against vacant posts. There is no dispute as regards the fact that the present petitioner was one of the 258 respondents before the Hon'ble Supreme Court.

It is only by virtue of order dated 3.7.2014 that the petitioner has been adjusted in Govt. Industrial Training Institute, Julana against the vacant post of Cutting & Tailoring Instructor.

The principle argument raised by counsel is that the delay which is solely attributable to the department in adjusting the petitioner in pursuance to the directions issued by the Hon'ble Supreme Court cannot work to her prejudice and to defeat her claim for regularization only on the ground that she was not in service on the cut of date i.e. 28.5.2014.

Let a specific affidavit be filed to apprise the Court that after the services of the petitioner had been terminated i.e. in October, 2013 and till the passing of the order of her adjustment at I.T.I., Julana i.e. On 3.7.2014 there was no vacant post in any of the I.T.Is and in the particular trade to which the petitioner belongs i.e. Cutting & Tailoring.

Affidavit be filed positively within four weeks.

List on 28.9.2016.”

Today affidavit of D.R.Bansal, Joint Director (A&A), Industrial Training Department, Haryana has been filed and the same is taken on record. As per the affidavit it has been accepted that between October, 2013 to 03.07.2014 there were total 8 posts of Cutting and Tailoring trade were vacant in various ITIs across the State. In view of this affidavit the claim of the petitioner has to be accepted since it has to be held that there was a

have to be deemed to be in service on the cut off date and thus entitled for regularization of her services.

In the circumstances, petition is allowed and the respondents are directed to consider the claim of the petitioner for regularization of services in view of the affidavit filed today.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

20.03.2017
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No