

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

C.M. No. 14156-CWP of 2017 in/and
CWP No. 20474 of 2017
Date of decision: 03.10.2017

Bhagi Rath and others

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. B.S. Rana, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 14156-CWP of 2017

Application for placing on record regularization orders of the petitioners (Annexure P-7) (colly) is allowed, subject to all just exceptions.

The same is taken on record.

CWP No. 20474 of 2017

The petitioners seek a writ in the nature of mandamus under Article 226 of the Constitution of India to consider their case and decide the legal notice dated 15.06.2017 (Annexure P-5) by passing a speaking order since the respondents have adopted the policy of pick and choose and senior employees have not been regularized prior to or on the date the juniors have been regularized as per the seniority list.

It is the case of the petitioners that they joined on Class IV posts between 1994 to 2002. The seniority list dated 30.06.2003 had been prepared district wise and juniors had been regularized in the year 2014.

They had filed CWP No. 14131 of 2016 which had been allowed in favour

of the said employees who were juniors and they had been regularized w.e.f. 01.04.2011. Reference is also made to the orders passed in similar circumstances in ***CWP No. 18296 of 2014, Sanjay and others vs. State of Haryana and others*** decided on 04.09.2014 (Annexure P-6) wherein, it has been directed that the claim of the petitioners with regard to the regularization w.e.f. 01.04.2011 be decided upon. It is pointed out that vide order dated 19.05.2014 (Annexure P-4) benefits were granted in view of the directions issued in *Sanjay's case (supra)*. Counsel accordingly submits that the petitioners have been regularized vide orders dated 25.08.2014 (Annexure P-7) (colly) and a legal notice dated 15.06.2017 (Annexure P-5) has been served upon the respondents wherein, all the details have been mentioned and the grievance had been set forth. Counsel further submits that he will be satisfied if the said legal notice is decided within a time bound frame.

Notice of motion.

Ms. Shruti Jain Goyal, AAG Haryana accepts notice. Copy of the writ petition has been supplied to her.

Keeping in view the above, this Court is of the opinion that no useful purpose would be served to ask the respondents to file reply as the decision making process is still pending.

Accordingly, without commenting on 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 a direction to respondent no. 2 to take a decision on the legal notice dated 15.06.2017 (Annexure P-5) within a period of 4 months from the date of receipt of certified copy of the order. In case any

adverse order is to be passed, a reasoned order be passed and conveyed to the petitioners.

03.10.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No