

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

117

CWP No.23235 of 2017

Date of decision: 11.10.2017

Ramesh Kumar

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Dharamveer Phour, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Prayer in the present writ petition, filed under Article 226 of the Constitution of India, is for granting the benefit of regularization as Class-IV employee, as per the policy decision dated 07.03.1996 or 01.10.2003, from the date when the said benefits were granted to number of similarly situated employees who were junior to the petitioner.

It is the case of the petitioner that he was appointed as Baildar-cum-Mali on 02.01.1980 and worked till 31.07.1998, when he was retrenched from service. He had sent a demand notice dated 05.05.2000 and resultantly, approached the Labour Court and was reinstated vide award dated 04.01.2006 (Annexure P-1) whereby he was given the benefit of continuity of service and other consequential benefits, including 50% back-wages from the date of the demand notice. The writ petition filed by respondent No.3 was dismissed on 18.12.2006 (Annexure P-2) and the SLP was dismissed on 07.06.2016 (Annexure P-3). It is the case of the petitioner that he had served a legal notice dated 15.02.2017 (Annexure P-11) upon the respondents, claiming that juniors, namely, Dewa, Ram Karan and Birbhan, have been regularized and resultantly, claims the same benefit, while placing reliance upon CWP-12392-2013 titled *Hoshiar Singh & others Vs. State of Haryana & others*, decided on 27.08.2015

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(Annexure P-9) whereby the benefit of regularization has been granted, in similar circumstances, from 2003.

Counsel submits that the petitioner would be satisfied if the legal notice dated 15.02.2017 (Annexure P-11) is decided within a fixed time-frame, in view of the above facts.

Notice of motion.

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

Keeping in view the fact that the respondents are yet to take a decision on the said legal notice, this Court is of the opinion that no useful purpose would be served by calling upon the respondents to file reply.

Accordingly, without commenting upon the merits of the case or the entitlement of the petitioner, as such, to seek the benefit as claimed, the present writ petition is disposed of, with a direction to respondent No.1 to decide the legal notice dated 15.02.2017 (Annexure P-11), within a period of 3 months from the receipt of a certified copy of this order. In case the benefit is not to be given, the said respondent shall pass a speaking order, giving reasons for the same and convey the same to the petitioner, forthwith.

11.10.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*