IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 26111 of 2017
Date of decision: 15.11.2017

Kanwar Bhan ....Petitioner(s)

Versus

State of Haryana and others ...Respondent(s)

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

Present: Mr. Sukhdeep Parmar, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of the order dated 03.05.2013 (Annexure P-4) whereby his services were regularized w.e.f. 01.03.2013 to the extent that his services may be regularized w.e.f. 01.04.2011 on the ground that juniors have been given the said benefit.

Counsel for the petitioner has pointed out that as per the regularization order of the petitioner (Annexure P-4), it would be clear that regularization was granted w.e.f. 01.03.2013 and petitioner figures at Sr. No. 17 and his date of joining is 01.08.1988 as Sweeper-cum-Chowkidar. Reference is made to the seniority list of the Class IV employees (Annexure P-3) issued by the District Education Office, Panipat to show that the petitioner was at Sr. No. 45. It is pointed out that from the list that one Nafe Singh at Sr. No. 281 who had joined on 01.03.2003 has been given the benefit of regularization vide order dated 30.11.2012 (Annexure P-2) and figures at Sr. No. 16 of the said order. It is submitted that in such circumstances, legal notice dated 13.05.2017 (Annexure P-5) has already been moved. It is further pointed out that in the legal notice, it has been mentioned that 20 persons who were junior were given the benefit from 01.04.2011 and the petitioner would be satisfied if the legal notice is decided within a fixed time frame.

Notice of motion.

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

Shivani Gupta
2017.11.17 16:53
I attest to the accuracy and
integrity of this document

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, keeping in view the above circumstances and the fact that the matter is still pending consideration, the present writ petition is disposed of with a direction to respondent no. 3 to take a decision on the legal notice dated 13.05.2017 (Annexure P-5) within a period of 2 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 petitioner.

15.11.2017 (G.S. SANDHAWALIA)
shivani JUDGE

Whether reasoned/speaking Yes/No

Whether reportable Yes/No

Shivani Gupta
2017.11.17 16:53
I attest to the accuracy and
integrity of this document