

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.223 of 2017 (O&M)

Date of Decision: 15.05.2017

Rajiv Kaushal & Ors.

... Appellants

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Mr. Neeraj Sharma, Advocate for the appellants

SURYA KANT, J. (Oral)

(1) Notice of motion. On our asking, Mr. Rajesh Gaur, Addl. AG Haryana accepts notice on behalf of the State of Haryana. In view of the nature of relief sought, we do not deem it necessary to seek reply from the respondents though the writ petition has been dismissed *in limine*.

(2) The appellants filed the writ petition in the year 2016 seeking quashing of the reply dated 11.11.2014 to their legal notice whereby their claim for regularization w.e.f. 01.10.1988 instead of 31.03.1993 was rejected only on account of delay. Learned Single Judge has dismissed the writ petition on the ground of delay and laches. There is no doubt that the appellants are guilty of approaching the Court at a highly belated stage *inasmuch* as once their services were regularized w.e.f. 31.03.1993 instead of 01.10.1988, they ought to have approached the authorities or the Court within a reasonable time. It, however, appears to us that the appellants are claiming it to be a case of recurring cause of action as their pay fixation depends upon the date of regularization of the appellants.

(3) In this view of the matter, we modify the order passed by learned Single Judge and dispose of this appeal as well as the writ petition with a

direction to the competent authority to examine the claim of the appellants and

take an appropriate final decision. However, it is directed that if they are found entitled to regularization w.e.f. 01.10.1988, no arrears shall be paid and their pay shall be fixed on notional basis only.

(4) Let appropriate decision be taken within a period of six months from the date of receipt of certified copy of this order.

(5) Ordered accordingly.

(Surya Kant)
Judge

15.05.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No