

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

Sr. No.107

**RA-CW No.147 of 2016 in
CWP No.932 of 2015**

Dr. (Mrs.) Priti Nath

vs.

State of Haryana and others

Present: Mr. Aman Chaudhary, Advocate
for the applicant-petitioner.

Mr. Apoorv Garg, DAG, Haryana.

* * *

The petitioner had approached this Court under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing of the decision dated 30.06.2014 whereby the respondents had refused to accept the request made by the petitioner for regularization of her services in terms of the policy of the respondent-State dated 07.03.1996. Consequential benefits which would arise on quashing of the impugned order were also prayed for.

On 21.01.2016, when the matter came up for hearing, the services of the petitioner having been regularized as per the afore-referred regularization policy, on the submission made by learned counsel for the petitioner, the petition was disposed of having been rendered infructuous.

The present application has been filed to seek recalling of the order dated 21.01.2016 on the ground that as a result of such regularization no consequential benefits were released to the applicant-petitioner.

Upon notice, on 12.08.2016, learned counsel for the

Director Higher Education, Haryana, Panchkula, which was to effect that the applicant-petitioner had been placed in the Senior Scale w.e.f. 26.07.2000 and directions had been issued to accordingly fix her pay after getting her services verified. So far as grant of selection grade was concerned, it was submitted that the matter had been referred to the Screening Committee and formal orders in that regard would be passed within two months.

Today, Mr. Aman Chaudhary, who appears on behalf of the applicant-petitioner, submits that neither the petitioner's pay has been fixed after placing him in the Senior Scale nor has she been granted Selection Grade.

Learned State counsel submits that the regularization policy dated 07.03.1996 on the strength of which, the applicant-petitioner's services had been regularized was challenged before a Division Bench of this Court and in such petition, on 02.09.2016 and 19.04.2017 the following orders have been passed:-

02.09.2016

*“Having heard learned counsel for the parties, prima facie we are satisfied that the impugned policy runs contrary to the mandate of the Constitutional Bench judgment in the **“Secretary of Karnataka and others vs. Umadevi and other”, (2006) 4 SCC 1.** Hence further regularization of services under the said policy shall remain stayed till the final decision. The regularization orders, if any, passed earlier shall be subject to final outcome of the writ petition.*

List on 24.0.2016.”

19.04.2017

“Adjourned to 03.08.2017.

Meanwhile services of such ad hoc/contractual/ daily wage employees, whose cases are

otherwise covered under the impugned policy shall not be terminated till further orders except in a case of mis-conduct or where regular selections have been made against those very posts or in the case of Guest faculties whose services are to be dispensed with in terms of Court directions.”

In view of the above, it cannot be said that the present petition has been rendered infructuous. The same needs to be decided on its merits. Resultantly, the order dated 21.01.2016 is recalled and the writ petition is directed to be restored to its original number and stage and listed as per roster.

(DEEPAK SIBAL)
JUDGE

August 21, 2017
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