

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19792 of 2005

Date of Decision: 14.11.2018

Ram Parshad Bahadur

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anurag Goyal, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. By way of this petition, the petitioner seeks certiorari to quash the impugned order dated November 11, 2005 rejecting his claim for regularization under the policy of 2003 as he was a part time worker. The petitioner claims that he is not a part time worker but a daily wager for the whole day. This question is not necessary to go into in view of the order proposed to be passed. It transpires that during the pendency of this petition, the Government of Haryana floated the policy for regularizing the services of part time workers. That policy was made in 2011 which was a one time policy decision in the wake of the judgment of the Supreme Court in Secretary, State of Karnataka vs. Uma Devi, (2006) 4 SCC 1. Though there is no prayer in the petition by way of amendment that the case of the petitioner may be considered under the 2011 policy but still since the policy has come into existence, for whatever it might spell, subject to what has been said by the Division Bench of this Court in Yogesh Tyagi v. State of

Haryana, 2018 (3) SCT 181, the petitioner would have an actionable right to represent to the authorities that his case be considered in terms of the policy of 2011 and not the policy of 2003.

2. Accordingly, while upholding the impugned order dated November 11, 2005 liberty is granted to the petitioner to represent to the authorities to consider his case for regularisation and in case, such a representation is filed the authorities competent to pass final orders on the request are directed to consider and decide the grievance of the petitioner by a speaking order which should be passed preferably within three months from the date of receipt of certified copy of this order.

3. The petition stands disposed of with the directions as above.

(RAJIV NARAIN RAINA)
JUDGE

14.11.2018
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Whether speaking/reasoned Yes

Whether reportable No