

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

CWP No.3660 of 2016

Date of Order: 16.7.2018

Sarti Devi

....Petitioner

Versus

State of Haryana and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RITU BAHRI

Present: Mr. R.S. Sangwan, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

RITU BAHRI, J (ORAL)

The petitioner has filed this petition seeking a writ of Mandamus directing the respondents to regularize her services, in the light of instructions dated 07.3.1996 (P.2) as also the judgment passed in CWP No.13541 of 2007 decided on 28.7.2008 titled as Suresh Kumar Vs. State of Haryana and Ors (P.8) and the judgments (P.13 & P.14).

The case of the petitioner is that she was initially engaged as Mali-cum-Beldar by the office of respondent in the year 1977 in the Dadri Range. Her services were terminated in the year 1998 without any reason.

Upon notice, reply on behalf of respondent Nos.1 to 4 was filed.

Learned counsel for the petitioner has referred to a judgment passed in CWP No.18837 of 2012, Ram Avtar Vs. State of Haryana and Ors, decided on 17.1.2014 (P.13) wherein the petitioner Ram Avtar was appointed on daily wage basis in the office of Divisional Forest Officer, Social Forestry Division, Bhiwani in July 1986 and served upto 01.01.1999

when his services were terminated. After raising a industrial dispute, he was reinstated with 50% back wages from the date of issuance of demand notice by the Presiding Officer. The said writ petition was allowed, directing the respondents to consider his case for regularization as per 2003 Policy from the date, his juniors were regularized.

Heard learned counsel for the parties and perused the record.

Vide judgment dated 07.5.2015 (P.14) passed in CWP No.9873 of 2013, a bunch of petitions were allowed by this Court observing that unfair discrimination is judicially unacceptable and the equilibrium has to be restored by granting the status quo ante from the dates counterparts secured benefit of regularization by administrative orders passed without judicial intervention. Similar orders were passed in CWP No.10017 of 2011 titled Khajan Singh & Ors. Vs. State of Haryana and Ors, decided on 28.5.2014 (P.15) by this Court thereby setting aside the orders of the respondent-State declining representations of the petitioners for regularization. Even the appeal bearing LPA No.948 of 2015 filed against said order dated 28.5.2014 by the State of Haryana wherein a question arose for consideration after the respondents were reinstated with continuity of service in reference to the awards passed in their favour whether they could be denied regularization of services in view of the dictum in **State of Karnataka and Ors Vs. Uma Devi and Ors, 2006 (4) SCC 1** or they are entitled to such benefit in view of Articles 14 & 16 of the Constitution as services of their juniors stood regularized while they were on road. Said letters patent appeal was dismissed vide order dated 21.7.2015 (P.16) by upholding the decision of learned Single Bench.

As a sequel of what has been stated above is sufficient to

convince this Court to accept the case pleas of learned counsel for the petitioner. Accordingly, the present writ petition is allowed and the respondents-State is directed to consider the case of the petitioner for regularization at par with her juniors within a period of six months.

July 16, 2018
manoj

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No