

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.2558 OF 2018
DECIDED ON: FEBRUARY 05, 2018

PARMESHWARI DEVI

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. J.P. Sharma, Advocate for the petitioner.

JASPAL SINGH, J

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus, directing the respondents to grant the benefits of regularization w.e.f. 01.05.1998 and all arrears along with interest @ 18% p.a. as juniors to her namely Ram Bhagat and others have been regularized and granted the benefits of regularization since 01.05.1998 as claimed in the legal notice dated 20.01.2017 (Annexure P-2).

2. The contention of learned counsel for the petitioner is that the petitioner was appointed as part time Water Carrier on 05.08.1983 and her services were regularized vide order dated 13.05.2016 but the juniors, who were also appointed part time water carrier were given the benefits of regularization much prior to the petitioner whereas she is entitled for the benefits of regularization along with all arrears w.e.f. 01.05.1998. She stood retired from

service on 30.04.2017. Even, petitioner served a legal notice upon the respondents on 20.01.2017 (Annexure P-2) prior to her retirement but neither it fetch any reply nor benefits have been given till date. He further submits that petitioner feels satisfied in case direction is issued to respondents No. 2 and 3 to decide aforesaid legal notice, within a stipulated period.

3. Without expressing any opinion on the merits of the case, the instant petition is disposed of with the direction to respondents No.2 and 3 to look into the grievances unfolded by the petitioner in legal notice dated 20.01.2017 (Annexure P-2) and to decide the same, within a period of two months from the date of receipt of certified copy of this order. If there is no impediment, to release the benefit within a period of next 45 days.

4. As far as grant of interest on delayed payment is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as “*R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318* as well as Govt. of Haryana Instructions No.1/2(152)01-2FRII, dated 20.02.2002.

5. However, if the petitioner still feels aggrieved against any of the order(s) passed by the concerned authority, she shall be at liberty to approach this Court as well as to have recourse to the other remedies available to her under law.

FEBRUARY 05, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***Yes/No***