

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

CWP No.2753 of 2018
Date of decision: 07.02.2018

Indiravati

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Samrat Malik, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

Notice of motion.

Mr. Siddharth Sanwaria, DAG, Haryana, present in Court, accepts notice on behalf of the respondents. Copies furnished.

For the nature of order I propose to pass in the matter, no formal written statements/counter affidavits on behalf of the respondents are indeed necessary, at this stage. Thus, with the consent of the parties, the petition is being disposed of finally.

Petitioner seeks a direction to the respondents to consider her claim for regularization in terms of the policies issued by the Government from time to time. She was engaged as Typist on daily wages on 27.10.1992. Although, her services were terminated on 16.11.1993, but the Labour Court vide its award dated 03.09.2001 (Annexure P1) re-instated the petitioner with continuity of service and 50% back wages. The petition filed by the respondent-Management i.e. CWP No.7785 of 2002, is pending post

admission. However, as the Division Bench vide order dated 03.04.2003 had declined the interim prayer, and rather required the respondent-department to implement the award, the petitioner was taken back on duty. Resultantly, she continues to serve the respondent-department. The claim of the petitioner is, for she has rendered 10 years continuous service, she was fully eligible to be considered for regularization in terms of policy dated 01.10.2003, as also the subsequent policies dated 29.07.2011 (Annexure P4), 18.06.2014 (Annexure P5) and 09.07.2014 (Annexure P6). Particularly when numerous employees, who happened to be junior to the petitioner, were regularized by the respondents. She purports to have repeatedly represented to the respondents in this regard. But to no avail. Even the notice the respondents have been served with, dated 01.01.2018 (Annexure P7), has failed to evoke any response. And thus the petitioner continues to suffer.

In response, learned State counsel submits that the claim of the petitioner, as also the notice 01.01.2018 (Annexure P7), shall be considered and dealt with within a period of three months from today. And appropriate orders, in accordance with law, shall be passed.

The petition is disposed of in the above terms.

Needless to assert that in the event the claim of the petitioner is declined, the respondent authority shall pass a comprehensive order assigning reasons in support thereof, after affording her an opportunity of hearing.

(Arun Palli)
Judge

07.02.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO