

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-109-2019 (O&M)
Date of decision:- 18.03.2019

State of Haryana and others
Versus
...Appellant(s)

Balwinder Singh and others
...Respondent(s)

LPA-148-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Santra Devi and another
...Respondent(s)

LPA-150-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Satish Kumar
...Respondent(s)

LPA-155-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Ishwar Singh and another
...Respondent(s)

LPA-158-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Anand Singh and others
...Respondent(s)

LPA-174-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Som Nath and others
...Respondent(s)

LPA-197-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Saffik
...Respondent(s)

LPA-213-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Reshma Devi and another
...Respondent(s)

LPA-214-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Shakuntla Devi
...Respondent(s)

LPA-215-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Pale Ram
...Respondent(s)

LPA-217-2019 (O&M)

The State of Haryana and others
Versus
...Appellant(s)

Satyanarain and others...
Respondent(s)

LPA-239-2019 (O&M)

State of Haryana and others

...

Appellant(s)

Versus

Bhoop Singh

...

Respondent(s)

LPA-240-2019 (O&M)

State of Haryana and others

...

Appellant(s)

Versus

Rajesh Kumar

...

Respondent(s)

LPA-244-2019 (O&M)

State of Haryana and others

...

Appellant(s)

Versus

Balwan

...

Respondent(s)

LPA-246-2019 (O&M)

State of Haryana and others

...

Appellant(s)

Versus

Bharat Inder Bansal

...

Respondent(s)

LPA-247-2019 (O&M)

State of Haryana and others

...

Appellant(s)

Versus

Satyawan

...

Respondent(s)

LPA-250-2019 (O&M)

The State of Haryana and others

...

Appellant(s)

Versus

Balwan Singh

...

Respondent(s)

LPA-262-2019 (O&M)

State of Haryana and others
Versus
Balbir
...Appellant(s)
...Respondent(s)

LPA-264-2019 (O&M)

The State of Haryana and others
Versus
Ranbir Singh
...Appellant(s)
...Respondent(s)

LPA-265-2019 (O&M)

State of Haryana and others
Versus
Hari Ram
...Appellant(s)
...Respondent(s)

LPA-266-2019 (O&M)

State of Haryana and others
Versus
Raj Rani
...Appellant(s)
...Respondent(s)

LPA-273-2019 (O&M)

State of Haryana and others
Versus
Chander Wati and others
...Appellant(s)
...Respondent(s)

LPA-274-2019 (O&M)

State of Haryana and others
Versus
Ashok Kumar
...Appellant(s)
...Respondent(s)

LPA-279-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Vinod Kumar
...Respondent(s)

LPA-287-2019 (O&M)

State of Haryana
Versus
...Appellant(s)

Rajender and others
...Respondent(s)

LPA-288-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Krishan and others
...Respondent(s)

LPA-291-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Sumer Singh
...Respondent(s)

LPA-292-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Anoop Rani
...Respondent(s)

LPA-293-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Madan Lal
...Respondent(s)

LPA-310-2019 (O&M)

State of Haryana and others

...Appellant(s)

Versus

Maya Devi

...Respondent(s)

LPA-311-2019 (O&M)

State of Haryana and others

...Appellant(s)

Versus

Dharam Singh and others

...Respondent(s)

LPA-313-2019 (O&M)

The State of Haryana and others

...Appellant(s)

Versus

Kamal Singh

...Respondent(s)

LPA-314-2019 (O&M)

State of Haryana and others

...Appellant(s)

Versus

Khiali Ram

...Respondent(s)

LPA-319-2019 (O&M)

State of Haryana and others

...Appellant(s)

Versus

Khajani Devi and another

...Respondent(s)

LPA-321-2019 (O&M)

State of Haryana and others

...Appellant(s)

Versus

Surender Singh

...Respondent(s)

LPA-322-2019 (O&M)

State of Haryana
Versus
...Appellant(s)

Gautam and others
...Respondent(s)

LPA-323-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Satish Kumar
...Respondent(s)

LPA-355-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Ved Kaur
...Respondent(s)

LPA-358-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Sant Lal
...Respondent(s)

LPA-360-2019 (O&M)

The Dakshin Haryana Bijli Vitran Nigam, Hissar and others
Versus
...Appellant(s)

Sunder Lal and another
...Respondent(s)

LPA-361-2019 (O&M)

State of Haryana and others
Versus
...Appellant(s)

Sunder Devi and another
...Respondent(s)

LPA-368-2019 (O&M)

The State of Haryana and others
...Appellant(s)
Versus
Dharambir
...Respondent(s)

LPA-371-2019 (O&M)

Haryana Vidyut Prasaran Nigam Limited and others
...Appellant(s)
Versus
Som Nath
...Respondent(s)

LPA-372-2019 (O&M)

Haryana Vidyut Prasaran Nigam Limited and others
...Appellant(s)
Versus
Mohd. Mubeen
...Respondent(s)

LPA-373-2019 (O&M)

Haryana Vidyut Prasaran Nigam Limited and others
...Appellant(s)
Versus
Harnek Singh
...Respondent(s)

LPA-374-2019 (O&M)

Haryana Vidyut Prasaran Nigam Limited and others
...Appellant(s)
Versus
Ashwani Kumar
...Respondent(s)

LPA-375-2019 (O&M)

Haryana Vidyut Prasaran Nigam Limited and others
...Appellant(s)
Versus
Surinder Singh
...Respondent(s)

LPA-376-2019 (O&M)

Haryana Vidyut Prasaran Nigam Limited and others
...Appellant(s)
Versus

Parveen Kumar
...Respondent(s)

LPA-377-2019 (O&M)

State of Haryana and others
...Appellant(s)
Versus

Saroj and another
...Respondent(s)

LPA-378-2019 (O&M)

State of Haryana and others
...Appellant(s)
Versus

Om Parkash
...Respondent(s)

LPA-379-2019 (O&M)

State of Haryana and others
...Appellant(s)
Versus

Sita Ram
...Respondent(s)

LPA-385-2019 (O&M)

The State of Haryana and others
...Appellant(s)
Versus

Harkesh
...Respondent(s)

LPA-386-2019 (O&M)

State of Haryana and others
...Appellant(s)
Versus

Shakuntla and another
...Respondent(s)

State of Haryana and others	<u>LPA-387-2019 (O&M)</u>
Versus	...Appellant(s)
Sube Singh	...Respondent(s)
	<u>LPA-393-2019 (O&M)</u>
State of Haryana and others	...Appellant(s)
Versus	
Ram Chander and others	...Respondent(s)
	<u>LPA-394-2019 (O&M)</u>
The State of Haryana and others	...Appellant(s)
Versus	
Sushil	...Respondent(s)
	<u>LPA-395-2019 (O&M)</u>
Haryana Vidyut Prasaran Nigam Limited and others	...Appellant(s)
Versus	
Jasbir Singh	...Respondent(s)
	<u>LPA-396-2019 (O&M)</u>
Haryana Vidyut Prasaran Nigam Limited and others	...Appellant(s)
Versus	
Mahesh Chand	...Respondent(s)
	<u>LPA-397-2019 (O&M)</u>
State of Haryana and others	...Appellant(s)
Versus	
Sawarno Devi	...Respondent(s)

LPA-398-2019 (O&M)

State of Haryana and others
Versus
Mangal Singh and another
...Appellant(s)
...Respondent(s)

LPA-406-2019 (O&M)

The State of Haryana and others
Versus
Narata Ram Singh
...Appellant(s)
...Respondent(s)

LPA-408-2019 (O&M)

State of Haryana and others
Versus
Diwan Singh
...Appellant(s)
...Respondent(s)

LPA-409-2019 (O&M)

State of Haryana and others
Versus
Dharam Pal
...Appellant(s)
...Respondent(s)

LPA-410-2019 (O&M)

State of Haryana and others
Versus
Kamlesh
...Appellant(s)
...Respondent(s)

LPA-421-2019 (O&M)

State of Haryana and others
Versus
Babu Lal
...Appellant(s)
...Respondent(s)

LPA-429-2019 (O&M)

The Dakshin Haryana Bijli Vitran Nigam, Hisar and others

...Appellant(s)

Versus

Rajender and others

...Respondent(s)

LPA-430-2019 (O&M)

The Dakshin Haryana Bijli Vitran Nigam, Hisar and others

...Appellant(s)

Versus

Dharamdutt and others

...Respondent(s)

LPA-431-2019 (O&M)

Dakshin Haryana Bijli Vitran Nigam, Hisar and others

...Appellant(s)

Versus

Gautam and another

...Respondent(s)

LPA-432-2019 (O&M)

Haryana Vidyut Prasaran Nigam Limited and others

...Appellant(s)

Versus

Usha Rani and others

...Respondent(s)

LPA-433-2019 (O&M)

Haryana Vidyut Prasaran Nigam Limited and others

...Appellant(s)

Versus

Mohd. Harun

...Respondent(s)

LPA-437-2019 (O&M)

State of Haryana and others

...Appellant(s)

Versus

Ramesh and others

...Respondent(s)

LPA-443-2019 (O&M)

State of Haryana and others
Versus
Ramesh Kumar @ Ramesh Chander
...Appellant(s)
...Respondent(s)

LPA-444-2019 (O&M)

The State of Haryana and others
Versus
Sona Devi
...Appellant(s)
...Respondent(s)

LPA-447-2019 (O&M)

The State of Haryana and others
Versus
Rajpal and another
...Appellant(s)
...Respondent(s)

LPA-456-2019 (O&M)

State of Haryana and others
Versus
Jugbir Singh @ Jagbir Singh
...Appellant(s)
...Respondent(s)

LPA-459-2019 (O&M)

Haryana State Cooperative Apex Bank Ltd. and another
Versus
Sushil Kumar and others
...Appellant(s)
...Respondent(s)

LPA-463-2019 (O&M)

The State of Haryana and others
Versus
Sanjay
...Appellant(s)
...Respondent(s)

LPA-469-2019 (O&M)

State of Haryana and others
Versus
...

Appellant(s)

Balraj Singh
...

Respondent(s)

LPA-470-2019 (O&M)

State of Haryana and others
Versus
...

Appellant(s)

Karan Singh
...

Respondent(s)

LPA-471-2019 (O&M)

State of Haryana and others
Versus
...

Appellant(s)

Bhim Singh
...

Respondent(s)

LPA-472-2019 (O&M)

State of Haryana and others
Versus
...

Appellant(s)

Sona Devi and others
...

Respondent(s)

LPA-485-2019 (O&M)

The State of Haryana and others
Versus
...

Appellant(s)

Ram Niwas
...

Respondent(s)

LPA-486-2019 (O&M)

State of Haryana and others
Versus
...

Appellant(s)

Pardeep Kumar
...

Respondent(s)

LPA-488-2019 (O&M)

State of Haryana and others
Versus
Manohar Singh
...Appellant(s)
...Respondent(s)

LPA-494-2019 (O&M)

State of Haryana and others
Versus
Karambir
...Appellant(s)
...Respondent(s)

LPA-503-2019 (O&M)

State of Haryana and others
Versus
Mahesh
...Appellant(s)
...Respondent(s)

LPA-513-2019 (O&M)

The State of Haryana and others
Versus
Ram Chander and others
...Appellant(s)
...Respondent(s)

LPA-516-2019 (O&M)

Municipal Corporation, Faridabad
Versus
Shyam Singh and others
...Appellant(s)
...Respondent(s)

LPA-518-2019 (O&M)

Municipal Corporation, Faridabad
Versus
Manjit and others
...Appellant(s)
...Respondent(s)

LPA-520-2019 (O&M)

Municipal Corporation, Faridabad
Versus
Vinod Kumar and others
...Appellant(s)
...Respondent(s)

LPA-521-2019 (O&M)

Commissioner, Municipal Corporation, Faridabad
Versus
Radha Krishan and others
...Appellant(s)
...Respondent(s)

LPA-532-2019 (O&M)

State of Haryana and others
Versus
Balkar Singh and others
...Appellant(s)
...Respondent(s)

LPA-535-2019 (O&M)

Municipal Corporation, Faridabad
Versus
Inder Singh and others
...Appellant(s)
...Respondent(s)

LPA-536-2019 (O&M)

Commissioner, Municipal Corporation, Faridabad
Versus
Usman and others
...Appellant(s)
...Respondent(s)

LPA-537-2019 (O&M)

Commissioner, Municipal Corporation, Faridabad
Versus
Aas Mohammad and others
...Appellant(s)
...Respondent(s)

LPA-538-2019 (O&M)

Commissioner, Municipal Corporation, Faridabad
...Appellant(s)
Versus
Inder Pal Singh and others
...Respondent(s)

LPA-539-2019 (O&M)

Municipal Corporation, Faridabad
...Appellant(s)
Versus
Gulab Singh and others
...Respondent(s)

LPA-540-2019 (O&M)

Commissioner, Municipal Corporation, Faridabad
...Appellant(s)
Versus
Trilok Chand and others
...Respondent(s)

LPA-546-2019 (O&M)

Managing Director, Haryana Cooperative Sugar Mills,
Rohtak
...Appellant(s)
Versus
Ram Karan and another
...Respondent(s)

LPA-557-2019 (O&M)

The State of Haryana and others
...Appellant(s)
Versus
Omi Devi
...Respondent(s)

LPA-566-2019 (O&M)

State of Haryana and others
...Appellant(s)
Versus
Bhim Singh
...Respondent(s)

LPA-569-2019 (O&M)

The State of Haryana and others

...Appellant(s)

Versus

Shish Pal

...Respondent(s)

LPA-572-2019 (O&M)

Uttar Haryana Bijli Vitran Nigam Limited and others

...Appellant(s)

Versus

Babli Devi and another

...Respondent(s)

LPA-574-2019 (O&M)

State of Haryana and others

...Appellant(s)

Versus

Tara Chand and others

...Respondent(s)

LPA-575-2019 (O&M)

Haryana Vidyut Prasaran Nigam Limited and others

...Appellant(s)

Versus

Nawab Singh

...Respondent(s)

LPA-576-2019 (O&M)

State of Haryana and others

...Appellant(s)

Versus

Sita

...Respondent(s)

LPA-578-2019 (O&M)

Haryana Vidyut Prasaran Nigam Limited and others

...Appellant(s)

Versus

Karam Singh

...Respondent(s)

LPA-587-2019 (O&M)

State of Haryana and others

...Appellant(s)

Versus

Sunder

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. B.R. Mahajan, Advocate General, Haryana,
 with Mr. Deepak Balyan, Addl. Advocate General, Haryana,
 Mr. R.D. Sharma, Deputy Advocate General, Haryana,
 Mr. Apoorv Garg, Deputy Advocate General, Haryana,
 Mr. Abhinash Jain, Assistant Advocate General, Haryana,
 Mr. Shivendra Swaroop, Assistant Advocate General, Haryana,
 Mr. Saurabh Mago, Assistant Advocate General, Haryana,
 and Mr. Sharad Aggarwal, Asst. Advocate General, Haryana,
 Mr. Puneet Jindal, Senior Advocate,
 with Mr. Raghav Kakkar, Advocate,
 Mr. Subhash Ahuja, Advocate,
 Mr. Karanveer Ahuja, Advocate,
 Mr. Lokesh Sinhal, Advocate,
 Mr. Deepak Balyan, Advocate,
 Ms. Surabhi Kaushik, Advocate,
 for the appellants.

Mr. Suresh Kumar Kaushik, Advocate,
 Mr. Rajnish Gupta, Advocate,
 Mr. Nihal S. Choudhary, Advocate,
 Mr. R.K. Malik, Senior Advocate,
 with Mr. Sunil Hooda, Advocate,
 Mr. D.S. Nain, Advocate,
 Mr. Dharamveer Phour, Advocate,
 Ms. Alka Chatrath, Advocate,
 Ms. Daljit Kaur, Advocate,
 Mr. Sajjan Singh, Advocate,
 Mr. Shalender Mohan, Advocate,
 Mr. Rajnikant Upadhyay, Advocate,
 Mr. Abhimanyu Kalsy, Advocate,
 Mr. Rakesh Nagpal, Advocate,
 Mr. Sandeep Singal, Advocate,
 Mr. R.D. Bawa, Advocate,
 Mr. Randhir Bawa, Advocate,
 Mr. Samuel Gill, Advocate,
 Mr. Jasmer Rozera, Advocate,
 Mr. Devender Arya, Advocate,
 Mr. S.N. Yadav, Advocate,
 Mr. Aditya Yadav, Advocate,
 Mr. Ashwani Talwar, Advocate,

Mr. Akshay Bansal, Advocate,
 Ms. Swati Arora, Advocate,
 Mr. Jagdish Manchanda, Advocate,
 Mr. Raman B. Garg, Advocate,
 Ms. Gitanjali, Advocate,
 Mr. Pale Ram, Advocate,
 Mr. Kanhiya Soni, Advocate,
 Ms. Divya Sharma, Advocate,
 for the respondent(s).

* * * *

KRISHNA MURARI, C.J. (ORAL)

All these appeals under clause X of the Letters Patent are not only directed against the common judgement and order dated 04.10.2018 passed by learned Single Judge, but since they also raise a common question of law, hence have been heard together and are being disposed of by a common judgement.

2. The issue in the writ petitions which were clubbed together by the learned Single Judge was in respect of regularization of the service of the employees employed with the State Government, Universities, Corporations, Boards and other organizations. Mr. B.R. Mahajan, learned Advocate General, Haryana, appearing on behalf of the State - appellant(s) in some of the cases as also the other learned counsel appearing for the appellants contend that 54 petitions filed by different set of petitioners claiming regularization on different set of facts and rules were clubbed together by the learned Single Judge without looking into the eligibility conditions, qualifications, rules applicable and the regularization policy. Thus, it is urged that the judgement suffers from a patent error of law. It has been brought to our notice that in few of the matters though the employees had already been regularized, but had filed writ petitions seeking regularization from a back date, which too were clubbed and disposed of by an impugned judgement allowing their claim for regularization. Further, in some matters, selection of the

employees was set aside which was affirmed by this Court as also the Hon'ble Apex Court and subsequently the same set of employees entered employment through a contractor and their writ petitions for regularization have also been allowed by the order impugned in this appeal. It has also been pointed out that in one of the cases, certain employees filed a civil suit for regularization which was dismissed. Appeal against that order was also dismissed and ultimately Regular Second Appeal was also dismissed by this Court and the judgement attained finality. Even in their case, without noticing the distinguishing facts, a direction has been issued to consider their claims for regularization. Learned Advocate General, Haryana further points out that in most of the cases, the facts could not be brought to the notice of the learned Single Judge, since no opportunity for filing the written statement(s) was afforded.

3. Learned counsel for the parties are not at issue that the matters require individual adjudication in accordance with the facts of each case, the law and the regularization policy in that regard, if any, in existence.

4. In view of the facts and circumstances noticed above as also the concession given by the learned counsel for the parties, it would be expedient and in the interest of justice that the impugned judgement dated 04.10.2018 is set aside and the writ petitions are remitted to be adjudicated afresh by the learned Single Judge after segregating them and if need be giving an opportunity to file written statement(s) to the respondents, where such opportunity was not afforded. And we so order. However, it would be open to the learned Single Judge to club such petitions which are based on identical set of facts and circumstances and where the employer is common.

5. With the aforesaid observations and directions, the appeals stand disposed of. Needless to observe that the learned Single Judge shall make an endeavour to decide the writ petitions on merits as expeditiously as possible.
6. Office is directed to place the matter before the learned Single Judge on 09.04.2019 when learned counsel for the parties cause appearance.
7. Till the matter is placed before the learned Single Judge, all interim orders which were operative in any of the writ petitions, shall continue to remain in operation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

18.03.2019
Amogh

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