

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.950 of 2019

Date of decision: 16.01.2019

Braham Singh and another

...Petitioners

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepak Sonak, Advocate,
for the petitioners.

Ritu Bahri, J.

Petitioners are seeking direction to the respondents to regularize their services as per policy dated 29.07.2011 (Annexure P-1) in view of the judgment passed by this Court in Ashrafi Devi vs. DHBVNL and others, CWP No.12871 of 2013, decided on 22.02.2018 (Annexure P-5).

In Asharfi Devi's case (supra), she (petitioner) was working as part time Sweeper and her services were regularized on 12.12.2012. Later on, the said order was withdrawn on the ground that when she was appointed, her name was not sponsored by the Employment Exchange. The impugned order was set aside by holding that the petitioner had been working as part time Sweeper since 1979 to the satisfaction of the Haryana State Electricity Board, presently the Nigam. Substantial justice was granted to the petitioner by regularizing her services. It could not be withdrawn on the ground that she had not been appointed through proper channel. Against the said judgment respondents filed LPA No.494 of 2018, which was

dismissed vide order dated 04.04.2018 (Annexure P-6).

In the present case, reference can also be made to a judgment passed by Hon'ble the Supreme Court in **Narendra Kumar Tiwari and Ors. vs. The State of Jharkhand and Ors.**, Civil Appeal Nos.7423-7429 of 2018 (arising out of S.L.P. (Civil) Nos.19832-19838 of 2017), decided on 01.08.2018 (Annexure P-2), wherein it has been observed that a person, who has been working for 10 years, should ordinarily be regularized.

Notice of motion.

On the asking of the Court, Ms. Palika Monga, DAG, Haryana, accepts notice on behalf of the respondent-State.

Copy of this petition be supplied to learned State counsel during the course of the day.

In the present case, petitioners are 52 & 60 years of age respectively. Keeping in view that they have served the respondent-department since 1996 and 1984, this petition is disposed of by giving direction to the respondents to consider their case for regularization keeping in view the judgments passed by this Court in **Asharfi Devi's** case (supra) & **Balwinder Singh and others vs. State of Haryana and others**, CWP No.2009 of 2016 (decided on 04.10.2018) and pass appropriate orders in accordance with law, within a period of three months, else costs of Rs.5000/- shall be imposed upon the respondents.

(RITU BAHRI)
JUDGE

16.01.2019
ajp

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