

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

LPA No. 1440 of 2019 (O&M)

Date of Decision: 19.08.2019

State of Haryana and others

.....Appellants

versus

Subhash Chander and others

.....Respondents

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

Present : Mr. Samarth Sagar, Additional Advocate General, Haryana,
for the appellants.

KRISHNA MURARI, CHIEF JUSTICE (oral)

CM No. 3161-LPA of 2019

Heard. For the reasons mentioned in the application, delay of 236 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 1440 of 2019

State of Haryana has filed the instant intra court appeal under Clause X of the Letters Patent assailing the judgment and order dated 07.09.2018 passed by the learned Single Judge disposing of three writ petitions filed by the respondents herein and directing to pass appropriate orders for regularizing of their services with all consequential benefits.

2. Facts giving rise to the dispute in brief required to be noticed are as under:-

The petitioners (respondents herein) were appointed as Class-IV employees in Haryana Police Department on various posts of Sweepers, Water Carrier and Mali on part time basis on various dates between the period from 1995 to 1997 and have been working continuously as such without any break. It is also not disputed that they are working against the sanctioned posts but still have not been paid regular salary at par with regularly appointed employees.

State Government introduced a policy dated 07.03.1996 for regularization of services of part time employees/daily wagers which was subsequently modified vide order dated 18.03.1996. Some employees who were falling under the policy approached this Court by filing Civil Writ Petition No.1447 of 1998 which was disposed of vide judgment and order dated 15.02.1999 with a direction to the State Authorities to decide the representation of the respondents-petitioners within a period of three months.

3. The case set up by the respondents-petitioners in the writ petition was that some similarly situated employees filed another Civil Writ Petition No. 4928-2014 ***Prahlad and others v. State of Haryana and others*** which was allowed by this Court vide judgment and order dated 12.02.2016 directing the State to regularize the services and to complete the entire exercise within a period of three months. It is specifically pleaded in the writ petition that some of the respondents-petitioners in Civil Writ Petition No. 4928-2013 ***Prahlad and others v. State of Haryana and others*** were junior to them and some were appointed along with them and thus being similarly situated they were also entitled to the same relief as has been granted in the said writ petition.

4. Before the learned Single Judge, learned State counsel did not dispute the fact that the respondents herein were similarly situated as the petitioners in Civil Writ Petition No. 4928-2013 and thus the learned Single Judge relying upon the judgment rendered in the said writ petition allowed the claim of the present respondents-petitioners and directed the State Authorities to pass appropriate orders regarding their claim for regularization. The judgment rendered in Civil Writ Petition No. 4928 of 2013 ***Prahlad and others v. State of Haryana and others*** in turn relied upon

the ratio of the decision rendered by a Division Bench of this Court in ***Umed Singh v. State of Haryana and others 2001(1) RSJ 752, Budho Devi v. State of Haryana, 2015(3) LLJ 447*** and also the judgment rendered in case ***Dharam Pal v. State of Haryana and others, 2002(3) SCT 644.***

5. A perusal of the impugned judgment goes to show that the ratio of the judgment rendered in Civil Writ Petition No. 4928-2013 ***Prahlad and others v. State of Haryana and others*** has been followed by the learned Single Judge on the concession given by the learned State counsel that the respondents-petitioners herein were identically situated to the petitioners in Civil Writ Petition No. 4928-2013.

6. The appellants had earlier filed an intra-court appeal being Letters Patent Appeal No. 261 of 2019 challenging the judgment of the learned Single Judge which was disposed of on 14.03.2019 by making the following order:-

“when confronted with respect to the concession recorded in the impugned judgment and order given by the State counsel, Shri Deepak Balyan, Additional Advocate General, Haryana, states that the concession has wrongly been given and he be permitted to withdraw this appeal with liberty to approach the learned Single Judge by making an appropriate application. Prayer made is allowed.

Appeal stands dismissed as withdrawn with the liberty prayed for.”

7. Subsequently the State filed a review application which has been dismissed by the learned Single Judge vide judgment and order dated 01.05.2019 and that is how the present appellants have again filed the instant Letters Patent Appeal.

8. Learned Single Judge has also taken notice of the fact that the case of the respondents-petitioners was recommended for regularization of their services vide letter dated 09/11.10.2013 but still no decision was taken in the matter.
9. Since the case of the present respondents-petitioners is squarely covered by the ratio of the decision rendered in Civil Writ Petition No. 4928-2013 ***Prahlad and others v. State of Haryana and others*** filed by the identically situated employees, we also find no good ground to take a view different from the one taken by the learned Single Judge.
10. Learned counsel for the appellants during the course of arguments has failed to point out any such infirmity in the impugned judgment which may require any interference in the intra court appeal. The appeal is thus devoid of merits and accordingly stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

19.08.2019
ravinder

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