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

CWP-17984-2019

Date of decision : 08.07.2019

Lali Devi and another

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.K. Malik, Advocate
for the petitioners.

AMIT RAWAL, J. (ORAL)

Notice of motion.

On asking of the Court, Ms. Shruti Jain Goyal, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent(s)/State.

The petitioner has invoked the jurisdiction of this Court for issuance of a writ in the nature of *certiorari*, quashing the order dated 04.05.2006 (Annexure P-3), whereby the services of the petitioners have been regularized w.e.f. 04.05.2006 instead of 01.01.1999, on which, juniors have been regularize, vide order dated 12.03.2018 & 18.10.2011, respectively.

It was alleged that petitioner Nos.1 and 2 were at Seniority No.30 & 39-A, respectively, whereas Jagga and Shish Pal/respondent Nos.4 and 5 were at 69 and 95, respectively. Services of respondent Nos.4 and 5

have been regularized w.e.f. 01.01.1999, whereas the petitioner w.e.f. 04.05.2006 and in this regard, had also submitted legal notice dated 25.03.2019 (Annexure P-7) to the Director Secondary Education, Haryana and District Education Officer, Fatehabad/respondent Nos.2 and 3.

Learned counsel for the petitioner submits that he would be satisfied, if a direction is issued to respondent No.3 to consider and decide the legal notice dated 25.03.2019 (Annexure P-7), within a stipulated period.

I have heard learned counsel for the parties, appraised the paper book and of the view that as per documents (Annexure P-2, P-4 & P-5), the petitioners, namely, Lali Devi and Nathi Devi, in the seniority list, were at Sr. No.30 and 39-A, whereas respondent Nos.4 & 5/Jagga Ram and Shish Pal, at Sr. No.69 and 95. Both respondent Nos.4 and 5 have been given benefit of regularization of their services w.e.f. 01.01.1999, whereas the petitioners w.e.f. 04.05.2006. It is apparently a case of anomaly.

Without going into the merits and demerits of the case or commenting thereon, the present writ petition is disposed of with directions to respondent No.3 to decide the legal notice dated 25.03.2019 (Annexure P-7), within a period of two months from the date of receipt of certified copy of this order. In case, the claim of the petitioners is accepted, the consequential benefits, if any, be granted to them, in accordance with law and if the claim of the petitioners is not to be accepted, then a well reasoned and speaking order be passed and conveyed to the petitioner forthwith.

It is made clear that in case the aforementioned legal notice is not decided within the specified time, there shall be costs of ₹50,000/- to be

recovered from the salary of the concerned Officer and paid to the petitioners.

08.07.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**