

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

CWP No.17957 of 2018 (O&M)

Date of decision: 24.01.2019

Sarla

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amardeep Hooda, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Ritu Bahri, J.

Petitioner is seeking direction to the respondents to regularize her services w.e.f. 29.07.2011 instead of 14.09.2016 in terms of policy/notification dated 29.07.2011 (Annexure P-2).

The petitioner was appointed as part time Sweeper in the year 1982-83 through Employment Exchange, Rohtak.

Stand taken by the respondents in their written statment is that the petitioner did not fulfill condition Nos. 1 (v) and 2 of policy/notification dated 29.07.2011, which are reproduced as under:-

“1 (v). That the employee should be regularized against a sanctioned vacant post of relevant category.

2. That a part time employee fulfilling the conditions mentioned above shall be regularized against a sanctioned vacant full time post of the same category.”

As per the above conditions employee should be regularized against sanctioned vacant post of relevant category. In this backdrop, order dated 14.09.2016 (Annexure R-1) has been passed.

The only ground for not regularizing the services as per policy dated 29.07.2011 (Annexure P-2) is that there was no vacant sanctioned post at the time when case of the petitioner was considered.

After hearing learned counsel for the parties and going through the facts of the case, this Court is of the view that availability of regular sanctioned post cannot be made a ground to deny the petitioner of her legitimate right. Services of the petitioner should have been regularized w.e.f. 29.07.2011 as per notification (Annexure P-2) keeping in view that she has fulfilled all the conditions of regularization.

Resultantly, the impugned order dated 29.09.2016 (Annexure P-6) passed by respondent No.2-Director of Prosecution, Haryana is modified and the services of the petitioner are ordered to be regularized w.e.f. 29.07.2011 as per policy/notification (Annexure P-2) with all consequential benefits.

Allowed accordingly.

(RITU BAHRI)
JUDGE

24.01.2019
ajp

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