

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP-22313-2017

Date of Decision:-22.11.2019.

Man Mohini

.....Petitioner

Versus

State of Haryana and others

.....Respondents

(2.)

CWP-14740-2018

Sikha

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Ram Niwas Sharma, Advocate for the petitioner in CWP-22313-2017.
Mr. Mohnish Sharma, Advocate for the petitioner in CWP-14740-2018.

Mr. Hitesh Pandit, Additional A.G. Haryana for respondent Nos.1 and 2 in CWP-22313-2017.

Mr. Rajesh Gaur, Additional A.G. Haryana for respondent Nos.1 and 2 in CWP-14740-2018.

Mr. Abhinav Singla, Advocate for
Mr. Sourabh Goel, Advocate for respondent No.3 in CWP-14740-2018.

SANJAY KUMAR, J. (Oral):

By this common order, the aforestated two writ petitions

would be disposed of as the point in issue involved therein is identical.

The petitioners in these two cases approached this Court aggrieved by the Orders/Memos dated 23.08.2017 and 19.09.2017 passed by the Municipal Corporation, Faridabad, Haryana, respondent No.3 in both cases, whereby their status within the Corporation was sought to be disturbed and an attempt was made to fill the posts occupied by them.

It is an admitted fact that the petitioners entered the service of respondent No.3 initially on contract basis and thereafter, their services were utilized by respondent No.3 through an outsourcing agency. By order dated 29.09.2017 passed in CWP-22313-2017, this Court directed that the services of the petitioner therein should not be dispensed with unless the work she was doing was completely done away with and there was no scope for revival thereof in the near future. Pursuant to the aforestated order, the petitioner in CWP-22313-2017 was continued in service and remains in the service of respondent No.3 as on date. Following the aforestated interim order, a similar order was passed on 01.06.2018 in CWP-14740-2018. In consequence, the petitioner in this case is also being continued in service by respondent No.3. Be it noted that presently, their services are being continued under the aegis of an outsourcing agency.

Mr. Hitesh Pandit, learned Additional Advocate General, Haryana, and Mr. Abhinav Singla, learned counsel representing Mr. Sourabh Goel, learned counsel for respondent No.3, would inform this Court that there is no proposal to replace either of the petitioners in these cases at this stage and that they would be continued in service in the

same status, obtaining presently.

This Court is further informed that the policies notified by the Government of Haryana on 18.06.2014 and 28.07.2014, for regularization of services, were struck down by a Division Bench of this Court but the matter is yet to attain finality, as the Supreme Court is presently seized of the issue.

In that view of the matter, the consequential prayers of the petitioners in these cases with regard to consideration of their candidature for regularization in service under those policies cannot be considered at this point of time.

The writ petitions are accordingly disposed of taking note of the stand of the authorities that the services of the petitioners will be continued in the same status obtaining as on date and they would not be replaced, subject to just exceptions. It is left open to the petitioners to renew their request for regularization of their services after settlement of the issue, in relation to the Government's policy decisions in this regard, by the Supreme Court.

No order as to costs.

(SANJAY KUMAR)
JUDGE

November 22, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.