

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-30788-2018

Date of decision: - 05.02.2019

Asrafi Rani

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. S.K. Malik, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the petitioner has made a prayer for quashing of order dated 17.05.2012 (Annexure P-3A) to the extent of date of regularization of the service of the petitioner.

Counsel for the petitioner states that a person junior to the petitioner, namely, Sh. Ashok Kumar, who joined the department on 15.04.1998 was regularized w.e.f. 20.05.2004, whereas the petitioner, who joined the department on 01.04.1992 was regularized in the year 2012.

Surprisingly, no grievance was raised by the petitioner while working in service when Sh. Ashok Kumar was regularized. Further, the petitioner is approaching this Court after her retirement. The petitioner did not challenge the order, which was passed regularizing her services

from the year 2012. Now after a period of seven years, the petitioner has approached this Court challenging the order on the ground that one Sh.Ashok Kumar, junior to her, was regularized in the year 2004. There is no justifiable explanation for the delay in approaching this Court.

Still, in the interest of justice, the present writ petition is disposed of with the direction to the respondents to decide the legal notice dated 16.07.2018 (Annexure P-5), which the petitioner has served upon the respondents, by passing a speaking order within a period of three months from the date of receipt of certified copy of this order. However, it is made clear that even in case the petitioner is found entitled for regularization w.e.f. 2004, she will not be entitled for any arrears, but will only be entitled for notional fixation of her pay.

It is made clear that this Court does not express any opinion on the merits of the case and the claim being made in the present writ petition or in the legal notice.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

February 05, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No