

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

120

CWP-9910-2020

Date of decision: 16.07.2020

Satbir Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. R.K. Choudhary, Advocate for the petitioners.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioners have filed present petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus to direct the respondents to consider the case of petitioners for regularization of their services in view of instructions dated 11.11.2003 (Annexure P-2A) and 27.02.2004 (Annexure P-2B) issued by the respondents and decide the legal notice dated 08.03.2020 (Annexure P-7) by passing a speaking order within a stipulated period.

Learned Counsel for the petitioners has submitted that the petitioners have joined the respondent-Department between 2006-2008 and are working as sweeper being Class-IV employees on part time basis. The Haryana Government had issued instructions vide Memo dated 30.12.1998/25.02.1999 for regularization of the services of the part time employees. Thereafter, Haryana Government had issued instructions dated 11.11.2003 and 27.02.2004. According to the above-said instructions services of the part time Class-IV employees who have completed 6 years service have to be regularised. The case of the petitioner is squarely covered by judgment dated 15.11.2019 (Annexure P-5) passed in CWP No.32932 of 2019 titled as 'Gopal Singh Vs. State of Haryana and others' and judgment dated 17.01.2020 passed in CWP No.37236 of 2019 titled as 'Kiran Pal and others Vs. State of Haryana'. The petitioners served legal notice dated 08.03.2020 (Annexure P-7) on the respondents which has not been disposed of so far.

Notice of motion.

Mr. Pawan Longia, DAG, Haryana has accepted notice on behalf of the respondents.

Copy of the paper book has already been supplied to learned State Counsel by the Registry.

At this stage learned Counsel for the petitioners has submitted that the legal notice/representation dated 08.03.2020 (Annexure P-7) is pending before respondent No.2 which may be ordered to be disposed of by treating the same as representation.

Learned State Counsel has submitted that he has no objection if the petition is disposed of with a direction to respondent No.2 to dispose of the legal notice/representation dated 08.03.2020 (Annexure P-7) of the petitioners.

In view of the facts and circumstances of the case but without meaning to comment on merits in any manner, the petition is disposed of with a direction to respondent No.2-the Director, Secondary Education, Haryana to look into the matter and to dispose of the legal notice/representation dated 08.03.2020 (Annexure P-7) of the petitioners in accordance with law by way of passing a speaking order expeditiously, preferably within a period of three months from the date of receipt of a copy of this order.

A copy of this order be supplied to learned State Counsel and be also sent to respondent No.2-the Director, Secondary Education, Haryana through e-mail for information/requisite compliance.

16.07.2020

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(ARUN KUMAR TYAGI)
JUDGE

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