

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

CWP No.1790 of 2017
Date of Decision : 29.01.2020

Sunder Lal

...Petitioner

Versus

The State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S.Walia

Present: Mr. Devender Arya, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Prateek Mahajan, Advocate
for respondent Nos.2 to 5.

B.S.WALIA, J. (Oral)

1. Prayer in the petition under Articles 226/227 of the Constitution of India is for the issuance of a writ of Mandamus for directing the respondents to consider the claim of the petitioner for regularization on the post of Sweeper in the light of decision of this Court Annexure P/2 dated 22.04.2014, passed in CWP No.11368 of 2012, in view of the petitioner serving the respondent department since 04.04.1997.

2. Learned counsel for the petitioner contends that the writ was allowed by the Coordinate Bench vide order dated 04.10.2018, however, LPA No.360 of 2019, filed by the respondents against the aforementioned decision was disposed of and the instant writ petition

and connected writ petitions were remitted to the Single Judge to decide the writ petitions individually. Learned counsel contends that the petitioner is entitled to regularization in terms of policy decision Annexures P/4 and P/5 dated 08.08.2003 and 29.07.2011 respectively but despite the petitioner having submitted representation Annexure P/1 dated 21.11.2016, no decision has been taken in respect thereto till date.

3. Learned counsel for respondent Nos.2 to 5, on the other hand, contends that policy decision Annexures P/4 and P/5 dated 08.08.2003 and 29.07.2011 respectively were not part of the writ petition and were placed on record subsequently, whereas reply was filed by the respondents before placing on record the policies relied upon by the petitioner and that in the circumstances, the respondents be permitted to take a decision with regard to the claim of the petitioner as made in representation Annexure P/1 dated 21.11.2016, in the light of the aforementioned policies, within such time as is granted by this Court.

4. Learned counsel for the petitioner states that he has no objection to the aforementioned course of action.

5. Without commenting upon the merits of the controversy or the entitlement of the petitioner to the relief claimed, the writ petition is disposed of by granting liberty to respondent No.3 to consider and decide the claim of the petitioner for regularization as is made in representation Annexure P/1 dated 21.11.2016, in accordance with law, after taking into account all aspects of the matter including decision Annexure P/2 dated 22.04.2014, passed by this Court in CWP

No.11368 of 2012, as relied upon by the petitioner, in case the same is applicable, as expeditiously as possible, preferably within three months from the date of receipt of certified copy of this order.

(B.S.WALIA)
JUDGE

29.01.2020.
priyanka/rajesh

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