

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

CWP No.6393 of 2016 (O&M)

Date of decision: 29.01.2020

Gautam

....Petitioner

Versus

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)

Prayer in the petition under Article 226/227 of the Constitution of India is for the issuance of 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 in CWP No.11368 of 2012 in view of the petitioner serving the respondent-Department as Sweeper since July, 1996.

2. Learned counsel contends that LPA No.322 of 2019 was disposed of vide order dated 18.03.2019 by setting aside the judgment dated 4.10.2018 passed in the writ petitions and the writ petitions were remitted to the learned Single Judge to decide the same individually. Learned counsel contends that the petitioner is entitled to regularization in terms of Policy Annexures P-4 and P-5 dated 08.08.2003 and 29.07.2011 respectively but

despite the petitioner having submitted a representation no decision has been passed in respect thereto till date.

3. Learned counsel for respondent Nos.2 to 5, on the other hand, contends that the Policy Annexures P-4 and P-5 dated 08.08.2003 and 29.07.2011 respectively were not part of the writ petition and have been placed on record subsequently whereas reply was filed by the respondents before placing on record of the policy 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 vide representation Annexure P-1 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 granting liberty to respondent No.4 to consider and decide the claim of the petitioner for regularization as is made in representation Annexure P-1 dated 6.1.2016 in accordance with law after taking into account all aspects of the matter including the decision Annexure P-2 dated 22.04.2014 in CWP No.11368 of 2012 as relied upon by the petitioner in case the same is applicable as expeditiously as possible preferably within a period of three months from the date of receipt of certified copy of this order.

January 29, 2020

ps

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

(B.S. WALIA)
JUDGE