

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

CWP No.9834 of 2016
Date of Decision : 29.01.2020

Rajender and others

...Petitioners

Versus

State of Haryana and others

....Respondents

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

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

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 petitioners for regularization on the post of Sweepers (Petitioner Nos.1 to 6) Mali (Petitioner Nos.7 and 8) Water Career (Petitioner No.9) in the light of decision of this Court Annexure P/1 dated 22.04.2014, passed in CWP No.11368 of 2012, in view of the petitioners serving the respondent department since number of years.

2. Learned counsel for the petitioners contends that the writ was allowed by the Coordinate Bench vide order dated 04.10.2018, however, LPA No.287 and 429 of 2019, filed by the respondents

against the aforementioned decision were 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 petitioners are 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 petitioners having submitted representation Annexure P/3 dated 10.03.2016, 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 petitioners and that in the circumstances, the respondents be permitted to take a decision with regard to the claim of the petitioners as made in representation Annexure P/3 dated 10.03.2016 in the light of the aforementioned policies, within such time as is granted by this Court.

4. Learned counsel for the petitioners 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 petitioners to the relief claimed, the writ petition is disposed of by granting liberty to respondent No.4 to consider and decide the claim of the petitioners for regularization as is made in representation Annexure P/3 dated 10.03.2016, in accordance with law, after taking into account all aspects of the matter including

decision Annexure P/1 dated 22.04.2014, passed by this Court in CWP No.11368 of 2012, as relied upon by the petitioners, 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