

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CWP-19537-2020

Date of decision: 12.02.2021

Rajender Kumar Sharma and others

.....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Ms. Rahish Pahwa, Advocate
for the petitioners.

Ms. Anupama Sharma, Advocate
for respondents No.2 & 3.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Rajender Kumar Sharma and three others, have jointly filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of mandamus for directing the respondents to grant the petitioners benefit of *ad hoc* services, for all purposes of seniority promotion etc., along with further prayers as mentioned in the writ petition.

Records of the case show that on 18.11.2020, this Court had passed the following order:-

“Petitioners – Rajender Kumar Sharma and three others have jointly filed the present petition inter alia with a prayer to direct the respondent to grant the benefits of ad hoc services for all purposes of seniority promotion

etc., with a further prayer to direct the respondents to release the monetary benefits i.e. the difference of arrears of pay scale, arrears of ACP etc. accruing to the petitioners.

Learned counsel for the petitioners based on pleadings submits that petitioner No.1 and 2 were initially appointed in the respondent Corporation for the post of Clerk on daily wage basis. Thereafter, they were made adhoc and ultimately their services were regularised on respective posts. There are pleadings to the similar effect qua petitioners No.3 and 4 as well. In para 3 of the petition, it has also been mentioned that services of the petitioners were regularised w.e.f. April 1993 on the same post of Clerk. Learned counsel, however, submits that CWP No.673 of 2008 titled as 'Nand Lal Taneja Vs. Faridabad Complex Administration', was disposed of vide judgment dated 18.02.2008, wherein directions were issued to respondent to count the adhoc service rendered by the petitioners for all purposes i.e. seniority, promotion etc., with all consequential benefits. Learned counsel further submits that vide order dated 04.02.2009, the Division Bench of this Court had affirmed the aforementioned judgment. It is then submitted that even SLP filed was dismissed vide order dated 09.11.2009.

Learned counsel then refers to further order dated 21.05.2012 passed by this Court, the writ petition therein was disposed of in view of the aforementioned judgment i.e. Nand Lal Taneja's case (supra). Learned counsel, however, submits that since the petitioners are also employees of the same respondent corporation i.e. Municipal Corporation, Faridabad, they are also entitled to the same/similar relief. It is contended by learned counsel that for the same/similar relief, the petitioners

had submitted a legal notice dated 18.09.2020 (Annexure P-17), however, no decision has been taken by the Commissioner, Municipal Corporation, Faridabad, till date.

Notice of motion.

On the asking of the Court, Mr. Ravinder Budhwar, Addl. A.G., Haryana, who is appearing through video conferencing, accepts notice on behalf of respondents No.1 to 3.

In the meantime, learned State counsel is directed to seek specific instructions as to why the present case be not disposed of in the same terms as the judgment of Nand Lal Taneja's case (supra), which has been relied upon even subsequently in various orders by this Court.

Let specific instructions be taken within three weeks from today.

In case, the petitioners are entitled of the benefits, same be released to them. If, however, for any other lawful reasons, the petitioners are not entitled for the benefits, specific affidavit be filed within three weeks from today.

List on 16.12.2020.”

Today, on the resumed hearing of the case, learned counsel for respondents No.2 & 3 submits that in the order dated 08.09.2017 (Annexure P-14), passed by this Court in CWP-23703-2015, this Court had allowed the writ petition in the same terms as in ***Nand Lal Taneja vs. Faridabad Complex Administration etc.(CWP-673-1989)***, but it was made subject to the outcome of SLP that was stated to be pending. She submits that the present writ petition can be disposed of in the same terms as in order dated 08.09.2017 (Annexure P-14).

Since, counsel for both the parties to the present case are agreeable that the present case can be disposed of in terms of the order dated 08.09.2017, this Court deems it appropriate to dispose of the present writ petition in the same terms as in **CWP-23703-2015** titled as ***Hari Ram Sharma and others vs. State of Haryana and others***, which was decided by this Court on 08.09.2017.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

12.02.2021
anju rani

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No