

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206) CM-1196-CWP-2021 in
CM-10792-CWP-2020 in/and
CWP-9666-2016
Date of Decision : August 05, 2021

Gourav Manchanda

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Parkash Chahar, Advocate,
for the applicant-petitioner.

Ms. Shubhra Singh, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-1196-CWP-2021

Learned counsel for the parties submits that the main writ petition be taken up for hearing instead of the application i.e. CM-10792-CWP-2020 where the applicant-petitioner is praying for maintaining status quo with regard to the services of the petitioner.

Keeping in view the joint request of learned counsel for the parties, the main writ petition i.e. CWP No.9666 of 2016 is taken up for hearing.

CWP-9666-2016

In the present petition, the grievance which is being raised by the petitioner is that services of the petitioner have not been regularized keeping in view the policy dated 18.06.2014 (Annexure P-1 (Colly.))

issued by the Governemnt of Haryana and therefore, a direction be issued to the respondents to consider the case of the petitioner for regularization of his services as Data Entry Operator with all consequential benefits.

Learned counsel for the petitioner, on being asked, very fairly submits that as of now, regularization policy dated 18.06.2014 has already been set aside by the Division Bench of this Court in **CWP No.17206 of 2014 titled as Yogesh Tyagi and another versus State of Haryana and others, decided on 31.05.2018** and the said order has been challenged before the Hon'ble Supreme Court, wherein, on the basis of status quo, employees regularized under the policy of 2014 are continuing.

Keeping in view the facts as narrated in the petition which are not disputed, as of now, the regularization policy of 2014, which is being relied upon by the petitioner to claim benefit of regularization, is not in existence and has already been set aside by the Division Bench. Therefore, no benefit can be given to the petitioner as of now under the said regularization policy.

The challenge to the order of the Division Bench by which the regularization policy of 2014 was set aside, is pending consideration before the Hon'ble Supreme Court of India. In case, after the decision by the Hon'ble Supreme Court of India, any right exists with the petitioner to claim regularization, the respondents will be under obligation to consider the same in accordance with law.

The present writ petition is disposed of with the direction that in case, after the decision of the Hon'ble Supreme Court of India, the petitioner feels that he has a right to be considered for regularization of his

services as Data Entry Operator in respect of the service which according to him, is being rendered from the year 2011 onwards, the petitioner will make a representation claiming the said benefit by submitting appropriate representation and if any representation is made by the petitioner claiming the benefit of regularization of his services basing his claim on the judgment of the Hon'ble Supreme Court of India, the respondents will be under obligation to consider the said request on merits and dispose of the said writ petition within a period of six weeks. The respondents will deal with all the pleas raised by the petitioner claiming the benefit of regularization of his services while passing the speaking order.

As the main case has been disposed of, CM-10792-CWP-2020 has become infructuous.

August 05, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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