

Sr. No.728

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6648-2001 (O&M)
Date of decision: 25.05.2022

Madhu Bala

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.
Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, inter alia, is for issuance of a writ in the nature of Certiorari quashing the communication dated 27.11.2000 whereby the claim of the petitioner for counting the service rendered by the petitioner for the purpose of seniority and is regularize her services w.e.f. 21.05.1979 has been rejected and further directing the respondents to regularize the services of the petitioner by giving the benefit of adhoc service from the date of her joining i.e. 21.05.1979.

2. Petition was admitted for hearing on 13.03.2003.

3. When taken up for final adjudication, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 20 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, from perusal of record/pleadings,. it appears that even on merits, claim of the petitioner is not admissible. Reference may be had in particular to the stand taken in para Nos.3, 4 & 12 of the written statement, filed by respondents No.1 and 2.

5. Learned State counsel has canvassed arguments on similar lines as the stand taken in the written statement.

6. In their defence, respondents plead that the petitioner was appointed on adhoc basis w.e.f. 21.5.1979 in the pay scale of Rs.300-25-400/25-600 for a period of 6 months or till the recommendee of the commission joins duty whichever is earlier. Her services were to be terminated on the joining of Sh. Ved Parkash, Lecturer in Hindi appointed on regular basis on the recommendation of the Haryana Subordinate Service Selection Board, but he since did not join duty and, the petitioner was thus allowed to continue. Services of the petitioner were later regularised w.e.f. 15.9.1982. To be noted that, the petitioner has not challenged the regularization policy dated 19.1.1984 (annexure R-I).

7. Qua seniority, as per notification issued on 19.1.1984 it has been specifically laid down that the seniority of the adhoc class III employees so regularised, vis-à-vis the class III employees appointed on regular basis shall be determined with effect from 15th September, 1982. The petitioner was thus allowed seniority as per the terms and conditions of the notification referred to above. Petitioner has thus no cause of action in fixing her seniority w.e.f. the date of adhoc appointment.

8. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

9. In view of the aforesaid, no grounds are made out to interfere.

10. Dismissed.

25.05.2022
mamta

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No