

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

**LPA-588-2020 (O&M)
Decided on : 29.08.2022**

State of Haryana & others

.....Appellant(s)

Versus

Birbhan & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr. Ankur Mittal, Addl. AG, Haryana
Mr.Samarth Mago, AAG, Haryana
Ms.Kushaldeep Manchanda, Advocate, for the appellants.

Mr. S.N.Pillania, Advocate, for the respondents.

G.S. Sandhawalia, J. (Oral)

The present appeal is directed against the order of the learned Single Judge dated 27.02.2020 passed in CWP-14310-2019 whereby directions had been issued to regularize services of the writ petitioners under the policy dated 01.10.2003 (Annexure P-2) with all consequential benefits alongwith 6% interest.

Admittedly specific pleadings were there of the writ petitioners that they were entitled for the benefit of regularization and their juniors had been granted the benefit of regularization from 01.10.2003. The defence of the State was that they were regularized on 21.11.2014 and in such circumstances, the writ petitioners had been claiming regularization from an earlier date on account of discrimination. Specific averment regarding the 9 persons were made who had been granted the benefit of regularization as per policy dated 01.10.2003, keeping in view the order dated 29.04.2005 (Annexure P-4). The dates of appointment of the respondents are as under:

Sr.No.	Name	Date of appointment
1.	Birbhan son of Gopi Ram	08.07.1995
2.	Om Parkash son of Hari Ram	Oct., 1995
3.	Ramesh Kumar son of Shree Ram	01.08.1996
4.	Ram Niwas son of Jeewan Ram	1997
5.	Rajesh son of Mahipal	01.04.1998

The State, in its reply, has submitted that Smt.Rajpati was engaged in the year 1987, Chandro in 1993, Darshna in 1992, Desh Raj in 1987, Satish in 1994, Raj Karan in 1993 and Sunder in 1990, prior to the writ petitioners and sought to defend their wrong act. It was silent about the other two persons namely Smt.Bimla and Sh.Satbir and thus, apparently, it is on that account, the learned Single Judge, while noting the admission had been made, allowed the writ petition on account of the fact that the juniors had been granted the benefit of regularization from 01.10.2003.

In such circumstances, we are of the considered opinion that no fault can be found with the order of the learned Single Judge granting regularization once there is violation of Article 14 of the Constitution of India by the State. Resultantly, the present appeal is dismissed.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

August 29, 2022
sailesh

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No