

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

(1) State of Haryana & others	Versus	LPA-458-2020 (O&M) ...Appellant(s)
Mani Ram		...Respondent(s)
(2) State of Haryana & others	Versus	LPA-459-2020 (O&M) ...Appellant(s)
Ved Prakash		Respondent(s)
(3) State of Haryana & others	Versus	LPA-460-2020 (O&M) ...Appellant(s)
Prithvi Singh		Respondent(s)

Decided on : 29.08.2022

**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. Vikram Sheoran, Advocate, for the respondents.

G.S. Sandhawal, J. (Oral)

The present appeals, filed by the State, are directed against the common order of the learned Single Judge dated 27.02.2020 passed in CWP-31669-2018 and connected cases whereby service of the writ petitioners was ordered to be regularized w.e.f. 01.10.2003 or from the date the service of juniors had been regularized.

State Counsel has argued that there was a specific stand taken in the written statements in all the three cases that the employees had been regularized in the year 2014. The learned Single Judge however did not take this issue into consideration while ordering regularization, placing reliance upon the judgment passed in LPA-836-2013 titled *State of Haryana & others Vs. Mohammad Farookh & another* dated 30.04.2013.

Since a specific stance was taken by the State, we are of the considered opinion that the learned Single Judge having not considered the said issue as to whether regularization in the year 2014 was wrong or whether some juniors had been specifically granted the benefit of regularization at an earlier point of time, the matter is liable to be remanded. Reference had to be made to a right which had accrued for regularization at an earlier point of time since regularization had already been done in the year 2014 and in the absence of the same not having been addressed, the order directing regularization from 01.10.2003 would not be sustainable.

Keeping in view the above, all the three appeals are allowed since the writ petitioners were allowed to be regularized vide a common order dated 27.02.2020 passed in CWP-31669-2018 titled *Prithvi Singh Vs. State of Haryana & others*. The said order is set aside and the writ petitions are restored to their original number and the matters are directed to be listed before the learned Single Judge, as per Roster.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

August 29, 2022
sailesh

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No