

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

221

CWP-28971-2018

Date of Decision :16.11.2022

Roshan Lal and others

...Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sachmeet Singh Randhawa, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. A.G. Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

Learned Senior counsel appearing for the petitioners submits that the petitioners were appointed with the respondent-department starting from January, 1997 onwards till September, 1999 and had completed three years of service as on 30.09.2003, when the regularization policy dated 01.10.2003 was issued by the Government of Haryana so as to regularize the services of the contractual employees, who had worked for the period of 03 years up to October, 2003.

Learned Senior counsel for the petitioners further submits that the respondents were under an obligation to grant the petitioners benefit of the said policy of the year 2003 itself but, the said benefit was not extended to the petitioners and ultimately the said policy was withdrawn on issuance of subsequent regularization policy.

Learned Senior counsel appearing for the petitioners submits

that the respondent-department had issued regularization policy in June, 2014 and while issuing said policy, a decision was taken that in case claim of any particular employee remains and is under consideration for regularization of his/her services under the regularization policy issued in the year 2003, the same will also be implemented but, the benefit of the same was not being granted to the petitioners, which led to the filing of the present petition.

Learned State counsel submits that keeping in view the averments made in the reply, though, a decision was taken by the Government to regularize the services of the employees, who were covered under the earlier policy which decision was taken on 20.06.2014 but the said decision was kept in abeyance keeping in view the review of the said decision in view of the decision of the Government of Haryana dated 05.05.2015 (Annexure R-IV) and, therefore, no benefit of the regularization policy of the year 2003 can be extended to the petitioners.

Learned Senior counsel appearing for the petitioners submits that the same stand has been taken by the respondents in the reply, which was filed in the year 2019 but the decision dated 05.05.2015 (Annexure R-IV) was also withdrawn by the Government vide order dated 03.06.2016, hence, the stand taken by the respondents in the reply is contrary to the decision dated 03.06.2016, according to which, all the policies which were revived on or after 16.06.2014 are still in operation hence, the petitioners are entitled for consideration of their case for regularization of their services under the regularization policy dated 01.10.2003.

Learned State counsel on instructions from Mr. Umesh Kumar,

Assistant, Administration Branch, Department of Secondary Education, Haryana does not dispute the issuance of letter dated 03.06.2016 by the Government of Haryana, by which the decision dated 05.05.2015 so as to put hold on all regularization policies framed/revived on or after 16.06.2014, was withdrawn.

Faced with this situation, learned State counsel submits that the claim of the petitioners will be considered under the policy dated 01.10.2003 issued by the Government of Haryana and an appropriate order will be passed within a period of 08 weeks from the date of receipt of copy of this order and in case the petitioners are found entitled for any relief under the said policy, the same will also be extended to them within a period of 04 weeks thereafter.

Learned Senior counsel for the petitioners submits that keeping in view the statement made by learned State counsel, no further grievance of the petitioners survives in the present writ petition and the same may kindly be disposed off having been not pressed any further.

Ordered accordingly.

November 16, 2022

aarti

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No