

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107+246)

CM-6420-CWP-2022 in/and
CWP-37738-2018

Date of Decision : October 29, 2022

Minakshi

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Devender Arya, Advocate, for the petitioner.

Mr. Sandeep Singh Maan, Additional Advocate General,
Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-6420-CWP-2022

As prayed for, the application is allowed.

Annexures P-9 to P-11 are taken on record.

CWP-37738-2018

Learned counsel for the petitioner argues that though, the claim of the petitioner for regularization of her services is not covered under any policy, which has been issued by the Government of Haryana but, it is a matter of fact that the persons who were appointed after the petitioner have been regularized by the respondents, which has given right to the petitioner to claim the said benefit.

Learned counsel for the petitioner further argues that keeping in view the judgment of Hon'ble Supreme Court of India in ***Civil Appeal No.6798 of 2019 titled as Prem Singh vs. State of Uttar Pradesh and others, decided on 02.09.2019***, an employee who continued working for more than two decades is entitled for regularization of service, even if, he/she already retired from service whereas, the petitioner has 20 years service to her credit but her services have not been regularized and that too when the services of the persons junior to her, have been regularized by the respondents, which is contrary to the settled principle of law settled by the Hon'ble Supreme Court of India in ***Prem Singh's case (supra)***.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance before the respondents by way of filing a legal notice dated 30.07.2018 (Annexure P-5), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.2 to decide the same by passing an appropriate speaking order.

Notice of motion.

Mr. Sandeep Singh Maan, learned Additional Advocate General, Haryana. who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents raises no objection in deciding the legal notice of the petitioner in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief, which has been claimed by her in the legal notice dated 30.07.2018 (Annexure P-5), the present writ petition

is disposed off with a direction to respondent No.2 to decide the legal notice dated 30.07.2018 (Annexure P-5) within a period of eight weeks from the date of receipt of copy of this order.

October 29, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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