

2023:PHHC:163873

CWP-6961-1998

Date of Decision: 20.12.2023

Roshni Devi

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present None for the petitioner.

Mr. Rajbir Singh, DAG, Haryana.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner admittedly was initially engaged as a labourer whereafter she was terminated. Against the order of termination, she raised the dispute before the Labour Court and an award was passed in her favour reinstating her with full back wages and continuity of service on 24.04.1996.

2. The petitioner thereafter has been performing her duties with the respondents as the Forest Guard as has come on record in the reply filed by the respondents. The work of the petitioner is perennial in nature and the petitioner has by now put in more than 30 years of service with the respondents. This Court also notices that the State of Haryana has time and again issued directions to regularize services of daily wagers who have completed three years of service or more. Several employees have been regularized under the said policy. However, the petitioner has not been regularized.

3. The petitioner has relied upon the said policy issued on 07.03.1996 and submitted that the same would be applicable to her as she has

been given continuity of service as she was working since 1990 to 1996, therefore, she had already completed more than three years of service, and in these circumstances, the respondents were required to regularize her services after she was reinstated and granted benefit of continuity of service by the Labour Court. Moreover, the award passed by the Labour Court has not been challenged.

4. In view thereof, the contention of the respondents as per reply of not regularizing the services of the petitioner solely because she was treated as retrenched for the period 1992, cannot be accepted since similarly situated other persons have been regularized. The petitioner was not regularized and after her reinstatement with full back wages and continuity of service, she would be in the same capacity, the respondents were obliged to regularize her service too.

5. In view of the above, the writ petition is allowed. The petitioner shall be treated to have been regularized in the year 1996 as per the policy and she would also be entitled to all consequential benefits. However, if the petitioner had already been superannuated, the consequential benefits of superannuation shall also be payable to her. The exercise shall be conducted within three months henceforth.

6. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

20.12.2023

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1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No