

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(244)

CWP-8137-2019

Date of Decision : December 04, 2023

Bhajan Kaur

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Malik, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the grievance of the petitioner is that the order vide which her services were regularized with retrospective effect, has been withdrawn, which is causing prejudice to the petitioner.

2. Learned counsel for the petitioner argues that the persons who were similarly situated as the petitioner or her juniors, have been granted the benefit of regularization from a date prior to the date as being given to the petitioner, which benefit was extended to her also but now the said benefit has been withdrawn by the respondents in a totally arbitrary manner without giving any opportunity of hearing to the petitioner, hence, the withdrawal of the benefit of regularization from antedate from the petitioner, is arbitrary and illegal.

3. Learned State counsel submits that keeping in view the grievance of the petitioner that no opportunity of hearing has been afforded to her before passing an adverse order, in case the petitioner file appropriate

representation claiming the benefit of antedated regularization, the said claim if raised by the petitioner, will be considered afresh independently of earlier order passed and said claim will be decided on merits and appropriate order will be passed within a period of eight weeks of the receipt of any such claim.

4. Learned State counsel further submits that in case any recovery is to be done from the petitioner, the same will only be done after passing of the fresh order in case the Government is still of the view that the same is to be done from the petitioner and till any order is passed on the representation of the petitioner, no recovery of any amount will be done from the petitioner.

5. Learned counsel for the petitioner submits that keeping in view the statement of the learned State counsel, the present writ petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to raise grievance before the authorities concerned so as to claim the benefit of regularization from antedate by placing before the Department the due data to support the claim.

6. Ordered accordingly.

7. At this stage, learned counsel for the petitioner submits that keeping in view the judgment of the Division Bench of this Court in ***CWP No.2371 of 2010 titled as Harbans Lal Vs. State of Punjab and others, decided on 31.08.2010***, the petitioner is also entitled to be considered under the old pension scheme keeping in view the fact that she is working with the Department prior to 01.01.2006, which issue also needs to be decided by the respondents.

8. Learned counsel for the respondents submits that all the issues raised before the authorities concerned by the petitioner in her

representation will be dealt with in accordance with law and appropriate order will be passed within the time frame as stated hereinbefore.

9. The present writ petition is disposed of in terms of the statement of the parties concerned as noticed hereinbefore.

December 04, 2023

harsha

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No