

CWP-11175-2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(203-26)

CWP-11175-2016

Date of decision:- 28.04.2023

Satbir

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. J.K.Goel, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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**SUVIR SEHGAL, J. (Oral)**

1. Challenge in the instant writ petition is to the impugned notification dated 31.08.2009, Annexure P-3, and for a direction to the respondent authorities to regularize the service of the petitioner w.e.f. the date of entitlement along with all consequential benefits.

2. Despite notice to the respondents, no response has been filed. However, it is submitted that a similar petition filed by some of the colleagues of the petitioner have been dismissed by a Co-ordinate Bench of this Court by judgment dated 08.08.2018 passed in CWP-14504-2015 with the following observations:-

*“In view thereof, the claim of the petitioners is not only belated, but is not supported by material/merit, as they have*

*never been government servants prior to their adjustments in the Indian Red Cross Society, Haryana Branch. In the matter of policy, the courts would not interfere unless a fundamental right has been apparently infringed to a degree calling for interference.*

*Consequently, I find no merit in this bunch of petitions and would dismiss them.”*

3. This judgment was challenged in appeal and a Division Bench of this Court in LPA-1741-2018 passed the following order on 04.12.2018:-

*“1. Having argued the matter at length and since we expressed that we were not inclined to interfere in the matter, learned counsel for the appellant submits that he be permitted to withdraw this appeal, so as to enable the appellant to move an appropriate application before the learned Single Judge, confined to the extent that certain other reliefs, besides the issues that have been deliberated and upon which the impugned order and judgment has been rendered, such as allowances and other benefits, which the appellant was entitled to were also claimed, but somehow were not considered or escaped notice of the Writ Court.*

*2. Dismissed as withdrawn with the liberty prayed for only to the extent indicated above.”*

4. Review applications were filed by the petitioners claiming that they have not been given various special allowances, which have been granted by the Government of Haryana to persons with disabilities. The review applications are being disposed of by an order passed by this Court on even date.

5. In order to maintain parity between the petitioner and his counterparts, while rejecting the prayer made in the writ petition, instant petition is **disposed of** with liberty to the petitioner to file a comprehensive representation before respondent No.2 – Director, Social and Empowerment Department, giving details of the claims raised. In case, any such representation is moved, respondent No.2 shall examine it within a period of four months of its submission and in case, respondent No.2 finds that the claims raised by the petitioner cannot be granted, an order be passed giving reasons for rejection within the aforesaid period. In case, the claims deserve acceptance, the monetary benefit be disbursed to the petitioner within a period of four months thereafter.

28.04.2023  
Kamal

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |