

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(277) CWP-18725-2021
Date of Decision : October 12, 2023

Kiranpal and others .. Petitioners

Versus

State of Haryana and others .. Respondents

(2) CWP-3840-2020

Ramphal .. Petitioner

Versus

State of Haryana and others .. Respondents

(3) CWP-7401-2019

Kanta .. Petitioner

Versus

State of Haryana and others .. Respondents

(4) CWP-8583-2018

Jagdish Kumar .. Petitioner

Versus

State of Haryana and others .. Respondents

(5) CWP-8622-2018

Bimla Devi .. Petitioner

Versus

State of Haryana and others .. Respondents

(6)	CWP-8623-2018	
Sukhbir Singh		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(7)	CWP-14817-2020	
Anita Rani		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(8)	CWP-15728-2020	
Rajesh		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(9)	CWP-6054-2020	
Samundri Devi		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(10)	CWP-3895-2020	
Rajbala		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(11)	CWP-2064-2020	
Raj Kali		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents

(12)	CWP-14395-2021	
Nirmala		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(13)	CWP-1590-2020 (O&M)	
Balbir Kaur and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(14)	CWP-1902-2020	
Gulab Kaur and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(15)	CWP-4740-2020	
Telu Ram		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(16)	CWP-6840-2020	
Krishna Devi		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(17)	CWP-9544-2020 (O&M)	
Gyano Devi		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents

(18)	CWP-7778-2020 (O&M)	
Jeet Kaur		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(19)	CWP-7808-2020 (O&M)	
Prithvi Singh		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(20)	CWP-14893-2020	
Balbir Kaur		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(21)	CWP-12781-2020	
Balwinder Kaur		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(22)	CWP-13201-2020	
Mukhtyar Kaur		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(23)	CWP-19518-2023	
Raj Kumar and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents

(24)	CWP-14816-2020	
Giano Devi and another		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(25)	CWP-16168-2020	
Bhana Ram		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(26)	CWP-17599-2020	
Brij Lal and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(27)	CWP-17618-2020	
Poonam Chand and another		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(28)	CWP-18007-2020	
Naresh Kumar and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(29)	CWP-18277-2020	
Gyan Kaur @ Gian Kaur		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents

(30)	CWP-18433-2020	
Rajender Kumar and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(31)	CWP-19192-2020	
Satpal and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(32)	CWP-19770-2020	
Purshotam and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(33)	CWP-18992-2020	
Daya Chand		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(34)	CWP-1133-2021	
Jagga Ram and another		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(35)	CWP-7580-2020 (O&M)	
Ram Pati		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents

(36)	CWP-1297-2021	
Karnail Kaur		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(37)	CWP-20585-2020	
Harmeet Singh and another		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(38)	CWP-3083-2021	
Govind and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(39)	CWP-9222-2021	
Raja Ram and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(40)	CWP-9773-2021	
Surjeet Singh and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(41)	CWP-10749-2021	
Puna Devi		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents

(42)	CWP-1231-2020	
Paramjeet Kaur and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(43)	CWP-15005-2021	
Omi Devi		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(44)	CWP-23742-2021	
Aasha Rani		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(45)	CWP-7344-2018	
Chemali Devi		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(46)	CWP-16074-2017	
Rohtash and another		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(47)	CWP-13813-2021	
Kelo Devi		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents

(48)	CWP-13805-2021	
Nathu Ram and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(217-49)	CWP-15887-2018	
Purshotam Das		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(50)	CWP-17358-2018	
Bala Devi		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(51)	CWP-17498-2018	
Sahab Kaur		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(52)	CWP-18881-2018	
Sharmila		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(53)	CWP-17477-2018	
Narayani		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents

(54)	CWP-20138-2018	
Shree Jai Narayan		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(55)	CWP-18913-2018	
Abhey Ram and another		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(56)	CWP-26957-2018	
Vinod Kumar and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(57)	CWP-26929-2018	
Sukhdev and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(58)	CWP-26972-2018	
Raghuvir Singh and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(59)	CWP-26973-2018	
Santosh Devi		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents

(60)	CWP-27068-2018	
Ginni Devi		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(61)	CWP-10495-2023	
Moti Lal and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(221-62)	CWP-19045-2018	
Sheela Devi and another		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(222-63)	CWP-21095-2018	
Sunita		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(228-64)	CWP-3605-2019	
Kamla and another		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(301-65)	CWP-26475-2016	
Madan Lal		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kanwal Goyal, Advocate, with
Mr. Shobhit Rapria, Advocate and
Mr. Govind Tanwar, Advocate,
Mr. S.K. Malik, Advocate and
Mr. Aditya Singh, Advocate,
Mr. R.S. Malik, Advocate,
Ms. Rinki K. Singhania, Advocate,
Mr. Ravinder Malik (Ravi), Advocate,
Mr. Raj Kumar Bhatia, Advocate,
Mr. Hardeep Singh Dhillon, Advocate, for
Mr. Baldev Singh Dhillon, Advocate and
Mr. Surinder Kumar Daaria, Advocate, for the petitioner(s).

Ms. Shruti Jain Goyal, Sr. DAG Haryana, and
Mr. Tapan Kumar Yadav, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, a bunch of writ petitions, the details of which have been given in the heading, are being disposed of as all the petitions involve the same question of law on similar facts.
2. In this bunch of petitions, the grievance of the petitioners is that the order vide which their services were regularized with retrospective effect, has been withdrawn, which is causing prejudice to the petitioners.
3. Learned counsel for the petitioners argues that the persons who were similarly situated as the petitioners or their juniors, have been granted the benefit of regularization from a date prior to the date as being given to the petitioners, which benefit was extended to them 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 petitioners, hence, the withdrawal of the benefit of regularization from antedate from the petitioners, is arbitrary and illegal.

4. Learned State counsel submits that keeping in view the grievance of the petitioners that no opportunity of hearing has been afforded to them before passing an adverse order, in case the petitioners file appropriate representation claiming the benefit of antedated regularization, the said claim if raised by any of the petitioners, 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.

5. Learned State counsel further submits that in case any recovery is to be done from the petitioners, 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 petitioners and till any order is passed on the representation of the petitioners, no recovery of any amount will be done from the petitioners.

6. Learned counsel for the petitioners submits that keeping in view the statement of the learned State counsel, the present writ petitions may kindly be disposed of having been not pressed any further with liberty to each of the petitioners 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.

7. Ordered accordingly.

8. At this stage, learned counsel for the petitioners 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 petitioners are also entitled to be considered under the old pension scheme keeping in view the fact that they are working with the Department prior to 01.01.2006, which issue also needs to be

decided by the respondents.

9. Learned counsel for the respondents submits that all the issues raised before the authorities concerned by the petitioners in their representation will be dealt with in accordance with law and appropriate order will be passed within the time frame as stated hereinbefore.

10. The present writ petitions are disposed of in terms of the statement of the parties concerned as noticed hereinbefore.

11. Any civil miscellaneous application, if pending, also stands disposed of.

12. A photocopy of this order be placed on the file of other connected cases.

October 12, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No