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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

Date of Decision : 09.08.2023
CWP-22925-2015

Mahesh Chander and another

....Petitioners

Versus

State of Haryana and others

.....Respondents

2.

CWP-4848-2015 (O&M)

Dharam Raj and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

3.

CWP-5097-2015

Narender Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

4.

CWP-17450-2015

Vinod Kumar and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sanjiv Gupta, Advocate
for the petitioner(s).

Mr. Saurabh Mohunta, D.A.G., Haryana.

Harsimran Singh Sethi, J. (Oral)

CM-16369-CWP-2018

Application is for placing on record replication filed by the petitioner to the written statement filed by the respondent.

For the reasons mentioned therein, same is allowed. Replication is taken on record.

Main case

By this common order, the bunch of four writ petitions, details of which have been given in the heading, are being allowed as all the writ petitions are based upon the same question of law and similar facts.

1. The present petition has been filed seeking the concession of the regularization of his services from the date when employees junior to him were regularized. In Paragraphs 7 to 9, the details of the persons who were junior to the petitioner but have been given benefit of the regularization on completion of 240 days has been mentioned and the numbers of the writ petitions which were filed by them, which has been allowed by this Court, which fact has gone un rebutted by the respondents in their reply.

2. Learned counsel for the petitioner argues that the same question again came up for consideration before this Court for regularizing the services of the Ticket Verifier from the date their juniors were regularized in

RSA No.393 of 2022 titled as ‘**State of Haryana and others Vs. Laksman Singh**’, decided on 28.03.2022, wherein the similar relief granted by the trial Court was upheld but with certain modifications that the fixation of salary upon ante dated regularization will be given notionally and only arrears will be given limiting to 03 years 02 months prior to the filing of the writ petition. Learned counsel for the petitioner further submits that the present petition be also disposed of in terms of the decision in RSA No.393 of 2022.

3. Learned counsel for the respondents has not been able to rebut the factum that certain junior persons to the petitioners were regularized keeping in view the various orders passed by this Court and also concedes that the issue raised in the present petition is covered by the decision in RSA No.393 of 2022 but submits that keeping in view the decision of Hon’ble Supreme Court of India in ***Civil Appeal No.1875 of 2022*** titled as ‘***Managing Director, Ajmer Vidhyut Vitran Nigam Ltd. Ajmer and another Vs. Chiggan Lal and others***’ decided on 07.03.2022, the benefit of ante dated regularization cannot be claimed.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Certain facts have gone unrebutted to the effect that the petitioners were working as Ticket Verifier and their juniors have already been regularized from a date prior to the date when the services of the petitioners have been regularized and that too on the basis of the direction given by this Court, which direction has already been complied with by the respondents without raising any objection.

6. Further, the controversy as to whether, an employee will be

CWP-22925-2015 and connected petitions

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entitled for the regularization of his/her services from the date the benefits have been extended to a junior, is also covered by the decision in RSA No.393 of 2022.

7. The only objection which has been raised by the learned counsel for the respondent is that as per the judgment of Hon’ble Supreme Court of India in **Chiggan Lal’s** case (supra), the benefit claimed cannot be extended. The judgment in **Chiggan Lal’s** case (supra), is being wrongly interpreted by the learned counsel for the respondent as in the said judgment no person who was junior to the petitioners had been given the benefit of regularization from a date prior to that of the petitioners before the Hon’ble Supreme Court of India. Only claim raised therein was qua the benefit of regularization of a policy with retrospective effect, which claim was declined by the Hon’ble Supreme Court. Hence, the argument that the claim of the petitioner is covered against them in **Chiggan Lal’s** case (supra) is by wrongly interpreting the judgment keeping in view the facts and circumstances of the said case mentioned therein.

8. Keeping in view the above, as the question of law raised in this petition already stands decided in Lakshman Singh’s case (supra) the present petitions are allowed in terms of the decision in **Lakshman Singh’s** case (supra) being RSA No.393 of 2022.

9. Photocopy of this order be placed on the files of other connected cases.

09.08.2023

ps-I

Whether reasoned/speaking?

Whether reportable?

(HARSIMRAN SINGH SETHI)

JUDGE

Yes

No