

CM-16347-CWP-2023 in/and
CWP-24375-2016

2023:PHHC:156479

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CM-16347-CWP-2023 in/and
CWP-24375-2016
Date of Decision : 07.12.2023

Sunanda Verma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Malik, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-16347-CWP-2023

Present application has been filed for listing the writ petition at an early actual date and to dispose of the same in terms of the judgment of this Court passed in CWP No. 22925 of 2015 titled as ***Mahesh Chander and another Vs. State of Haryana***, decided on 09.08.2023.

In pursuance to notice given to learned counsel for the respondents, Mr. Saurabh Mohunta, learned Deputy Advocate General, Haryana, accepts notice on behalf of the respondents and raises no objection for the grant of prayer as made in the present application.

Keeping in view the above, the present application is allowed and on the joint request of learned counsel for the parties, the writ petition is taken up for hearing today.

CWP-24375-2016

In the present petition, the grievance of the petitioner is that her services needs to be regularized from the date she had completed 240 days of service i.e. from 04.03.1988, which claim was rejected by the respondents vide impugned order dated 17.10.2016 (Annexure P-10).

Learned counsel for the petitioner submits that the same question came up for consideration while deciding CWP No. 22925 of 2015 titled as ***Mahesh Chander and another Vs. State of Haryana***, on 09.08.2023 and the benefit of regularization from the date the employee completes 240 days was allowed.

Learned counsel for the respondents submits that though the question of law is covered but the department intends to file an appeal in ***Mahesh Chander's case (supra)***. Learned counsel for the respondents further submits that though the decision has been taken but no actual appeal has been filed so far.

Keeping in view the facts mentioned hereinbefore, once the question of law raised in the present petition has already been answered while passing order in ***Mahesh Chander's case (supra)***, merely that the respondents have decided to file an appeal challenging the judgment in ***Mahesh Chander's case (supra)***, cannot be a ground to deny the petitioner the benefit.

Learned counsel for the petitioner submits that in case the judgment in ***Mahesh Chander's case (supra)*** is modified or set-aside by the appellate court in any manner, the petitioner has no objection in case the same is made applicable upon the petitioner also without there being any appeal filed in the case of the petitioner.

That being a fair statement, the present petition is disposed of in terms of the order passed by this Court in ***Mahesh Chander's case (supra)*** with the clear intend that in case the said judgment is modified or set-aside by the appellate court, the same will also be applicable upon the petitioner's claim *ipso-facto* without there being any appeal.

Petition is disposed of in above terms.

December 07th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No