

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(228)

CWP No. 22196 of 2018

Date of Decision : 05.12.2023

Mewa Singh and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

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of the petitioners is that the order vide which their services were regularized with retrospective effect, has been withdrawn, which is causing prejudice to the petitioners.

2. 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the date as being given to the petitioners, which benefit was extended to them also but now the said benefit has been withdrawn by the respondents in a totally arbitrary manner without giving any opportunity of hearing to the petitioners, hence, the withdrawal of the benefit of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.

3. 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

2

appropriate representation claiming the benefit of antedated regularization, the said claim if raised by 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.

4. 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.

5. Learned counsel for the petitioners 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 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.

6. Ordered accordingly.

7. 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.

8. Learned counsel for the respondents submits that all the issues

3

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.

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

December 05th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No