

Neutral Citation No.- 2023:PHHC:064943

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4272-2017 (O&M)
Date of decision: 05.05.2023

KISHAN LAL & ORS.

...Petitioners

VERSUS

STATE OF HARYANA & ORS.

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anand Bhardwaj, Advocate
for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Jitender Nagpal, Advocate of
for respondent No.3.

JAISHREE THAKUR, J. (Oral)

1. The instant writ petition has been filed, seeking a limited prayer for treating the date of regularization of the petitioners with effect from 29.07.2011 instead of 01.06.2014.

2. In brief, the facts as culled out are that 31 employees, working as Sweepers with Municipal Committee, Hodal, District Palwal, approached this Court by way of filing *CWP No.14690 of 2012*, titled as *Kishan Lal and others versus State of Haryana and others*, seeking regularization of the service in terms of notification dated 29.07.2011. During the pendency of the said writ

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petition, all those 31 employees were regularized and resultantly, the said writ petition came to be dismissed as having been rendered infructuous on 15.09.2014. It was noted therein that the services of the petitioners therein had already been regularized. In fact, the regularization order dated 19.08.2014, regularized the services of the petitioners therein in terms of policy dated 01.06.2014, as against the claim to be regularized against policy dated 29.07.2011. Aggrieved against the regularization policy of the year 2014, 22 employees out of 31, also approached this Court by way of filing *CWP No.27282 of 2015*, titled as *Satpal and others versus State of Haryana and others*, claiming that they were covered under the policy of the year 2011, which holds the field even today and their regularization ought to be made in terms of the said policy. The said writ petition was allowed by this Court on 15.05.2019 directing the respondents to regularize the petitioners therein with effect from 29.07.2011 in terms of Regularization Policy dated 29.07.2011 (Annexure P-3) and to that extent of inconsistency therewith, the regularization letters appended as Annexures P-4 to P-22 were partly quashed with a direction that date of regularization mentioned therein shall be read as 29.07.2011 and not 20.06.2014. The petitioners were held entitled to all consequential benefits arising therefrom along with interest @ 6% per annum with effect from the date of notification until its actual disbursement.

3. The remaining nine petitioners of CWP No.14690 of 2012, who were not the part of CWP No.27282 of 2015, have approached this Court seeking the similar relief by way of the instant writ petition.

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4. Learned counsel for respondent No.3, despite all efforts, is unable to distinguish the case of the petitioners herein from the writ petitioners in CWP No.27282 of 2015.

5. Therefore, on the basis of parity, the petitioners herein are held entitled to the same relief as has already been allowed to the petitioners in CWP No.27282 of 2015, which judgment has attained finality.

6. Consequently, the present writ petition is allowed in terms of judgment passed in CWP No.27282 of 2015. The petitioners herein shall be deemed to be regularized with effect from 29.07.2011 in view of regularization policy dated 29.07.2011, instead the policy of the year 2014. All consequential benefits to ensue thereafter. Let the needful be done, within a period of two months from the date of receipt of the certified copy of this order, in accordance with law.

7. CM-9703-CW-2020, filed by the petitioners herein, is disposed of accordingly.

05.05.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No