

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20994-2023

DECIDED ON: 20.09.2023

SAROJ BALA

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anshul Baghla, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondent-Authorities to consider the petitioner for regularization to the post of Sweeper being covered within the policy decision dated 18.06.2014 (Annexure P-6) taken by Government of Haryana and also prayed for an injunction against the termination of his service till the pendency of instant writ petition.

2. The case of the petitioner is folded with the facts that he joined the services to the post of Sweeper w.e.f. 10.11.1994 and was working on daily wage basis, but since then she is running from pillar to post seeking regularization and made various representations, but no heed has been paid so far. A legal notice dated 25.05.2023 has also been sent and even to the said legal notice, no response has been given by the respondent so far.

3. Before advertng to the merits of the case, respondents were called upon to clarify as to whether the policy dated 18.06.2014 is applicable to the instant case. Since the petitioner is an employee of the Sarva Haryana Gramin Bank to

which Ms. Safia Gupta, AAG Haryana submits that it is not an instrumentality of State of Haryana, therefore State is not the contesting respondents.

4. A perusal of documents attached with the petition dated 28.03.2022 and dated nil (Annexures P-3 & P-4 respectively) reflect that the petitioner was getting a salary of fix emoluments of Rs.3100/- for the service rendered as Safai Karamchari for a very short time i.e., before 10 A.M., even before the working hours in the said respondent-Bank.

5. Above all, the policy dated 18.06.2014 under which the petitioner has sought his claim is not in existence, which stands quashed by the High Court in a Division Bench judgment passed in ***CWP-17206-2014 titled as Yogesh Tyagi vs. State of Haryana and Ors, on 31.05.2018***, and the said order passed by the Division Bench is under challenge in the Apex Court vide Special Leave Petition (Civil) No.31566 of 2018, wherein status quo has been ordered qua the services of the employees as it existed on that date.

6. The case of the petitioner is absolutely misplaced, misconceived and also preferred before this Court on poor legal advice relying upon by the policy, which does not exists at all and quashed by this High Court itself.

7. In the light of above, there is no merit in the writ petition. Hence, dismissed.

(SANDEEP MOUDGIL)
JUDGE

20.09.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>