

CM-5245-CWP-2024 in/and
CWP-2066-2021

2024:PHHC:044514

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CM-5245-CWP-2024 in/and
CWP-2066-2021
Date of Decision : 03.04.2024

Sheela

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nihal S. Chaudhary, Advocate and
Mr. Vikram Sheoran, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-5245-CWP-2024

Present application has been filed for listing the main case which was adjourned sine-die to await the decision of Hon'ble Supreme Court of India in SLP No. 4531 of 2023 and disposing of the above mentioned writ petition in terms of the order passed by the Hon'ble Supreme Court of India in SLP No. 4531 of 2023 titled as ***State of Haryana and others Vs. Balwinder Singh and others.***

Notice of the application to the counsel opposite.

On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondents does not oppose the hearing of the writ petition but submits that the claim of the petitioner is not covered by the judgment of the Hon'ble Supreme Court.

Keeping in view the joint request of learned counsel for the parties, the main writ petition is taken up for consideration.

Application stands disposed of.

CWP-2066-2021

1. The facts of the present case are that the husband of the petitioner was initially appointed as a Beldar in February, 1993. He continued working with the respondents when his services were regularized by the respondents under the Regularization Policy dated 18.06.2014. Unfortunately, the husband of the petitioner died in the year 2017.

2. After the death of her husband, the petitioner has filed the present writ petition claiming the antedated regularization of her husband from the year 2003 on the ground that the services of juniors of the late husband of the petitioner were regularized in service under the 2003 Policy, which benefit was wrongly not extended to the late husband of the petitioner.

3. Upon notice of motion, the respondents have filed the reply, wherein, they have stated that the services of the late husband of the

petitioner had already been regularized under the Policy dated 18.06.2014 and after his death, the petitioner is already getting the financial benefits as envisaged to the Dependents of Deceased Government Employees and now at this stage, after the death of the employee concerned, the present petition is not maintainable.

4. The reliance is being placed upon the judgment of this Court in LPA No. 1662 of 2015 titled as *Sukhbir Singh and others Vs. State of Haryana and others*, decided on 31.08.2016.

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

6. It may be noticed that in June, 2014, the services of the late husband of the petitioner had already been regularized and thereafter, he died. No grievance was raised by the late husband of the petitioner before any competent court of law that any of his juniors were regularized in the year 2003 rather, even after the regularization of the services of the late husband of the petitioner in the year 2014, no grievance was raised for antedated regularization by the late husband of the petitioner.

7. The fact that it is in the year 2020 i.e. after 03 years of the death of the late husband of the petitioner, the petitioner served a legal notice on 07.03.2020, which was directed to be decided by the respondents and the respondents have declined the claim of antedated regularization to the husband of the petitioner. It is a settled principle of law that once an employee himself was in service on a particular date and raised no grievance qua the regularization of his service in June, 2014,

then after his death, the petitioner has no authority to raise the said grievance on behalf of her husband who is no longer in this world.

8. Further, with regard to the grievance of the petitioner that employees juniors to the husband of the petitioner were regularized in service in the year 2003, it may be noticed that the legal notice was given in the year 2020 and the writ petition was filed in the year 2021 i.e. after a period of 14 years, the grievance is being raised by the petitioner and that too on behalf of her late husband, which is otherwise not permissible keeping in view the judgment of the Division Bench in *Sukhbir Singh (supra)*.

9. No ground is made out for any interference by this Court in the present petition.

10. Dismissed.

April 3rd, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No