

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CWP No. 4132 of 2019
Date of Decision : 25.04.2024

Munni Devi and others

..Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Nidhi, Advocate for petitioner No. 2.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. The present petition has been filed challenging the order dated 18.01.2019 (Annexure P-9) by which, the claim of the petitioners for regularization of their services keeping in view the Regularization Policy dated 11.11.2003, has been rejected.
2. Learned counsel for the petitioners argues that as per the Regularization Policy dated 11.11.2003, the regularization order was to be done on the basis of seniority keeping in view the number of posts available. Learned counsel for the petitioners submits that while passing the impugned order dated 18.01.2019 (Annexure P-9), nothing has been mentioned as to what was the seniority number of the petitioners and how many posts have been filled up and how many posts were available for regularization of the employees and the said impugned order is totally cryptic and non-speaking. Learned counsel for the petitioners further

submits that though, by the said impugned order, the claim of the petitioners for regularization has been rejected but in paragraph-8 of the reply given by the respondents, a contrary stand has been taken that the claim of the petitioners will be considered in light of the Policy dated 11.11.2003, if they fulfilled the terms and conditions of the Policy against the available vacant posts.

3. Learned counsel for the respondents has not been able to rebut the fact that in the impugned order dated 18.01.2019 (Annexure P-9) as well as in the reply filed, contradictory stand has been taken by the respondents.

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

5. The claim of the petitioners for regularization of their services was required to be considered under the Policy dated 11.11.2003. In the impugned order dated 18.01.2019 (Annexure P-9), though it is being mentioned that the petitioners are not covered under the said Policy but no reason has been given to substantiate the said finding. Nothing has come out as to on what basis, the respondents have opined that the petitioners' claim is not covered under the Policy dated 11.11.2003. If the claim of the petitioners is not covered under the Policy dated 11.11.2003 then why in paragraph-8 of the reply, it is being mentioned that the claim of the petitioners is still being considered under the said Policy dated 11.11.2003. The relevant portion of the reply is as under :-

“8. That the claims of the petitioners shall be considered in light of the policy dated 11.11.2003 if they fulfilled the terms and conditions of this policy and also as per Common District level seniority list & as per their turn against availability of vacant sanction post.”

6. Nothing has come on record as to how many posts were available on the date when the petitioners’ claim was to be considered and what was the seniority position of the petitioners. In the absence of any such data, it cannot be said that the impugned order dated 18.01.2019 (Annexure P-9) rejecting the claim of the petitioners for regularization of their services under the Policy dated 11.11.2003 is valid, hence, the impugned order dated 18.01.2019 (Annexure P-9) is set-aside. The respondents are directed to consider the claim of the petitioners for regularization of their services under the Policy dated 11.11.2003 and pass a detailed order. In case, the petitioners fulfill the requisites of the Policy concerned, the benefit be extended to the petitioners, otherwise due reason be given for not accepting the claim of the petitioners. Let fresh order be passed within a period of eight weeks from the date of receipt of copy of this order.

7. Petition is allowed in above terms.

April 25th, 2024 (HARSIMRAN SINGH SETHI)
kanchan JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No