

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-9928-2024

Date of Decision: 02.05.2024

VINOD KUMAR

...Petitioner

Vs.

THE STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.K. Daaria, Advocate for the petitioner.
Mr. Sanjeev Kaushik, Addl. AG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed with the twin prayers; firstly, to regularise the services of the petitioner in terms of the policy dated 11.11.2003, Annexure P-6, instead of 27.07.2011, secondly, to count the part-time service rendered by him prior to regularisation as qualifying service for pension.

2. Learned counsel for the petitioner has contended that the petitioner is entitled to regularisation in terms of policy dated 11.11.2003 since her junior Roshni Devi was regularised in service under the said policy, whereas the petitioner was regularised in terms of policy dated 27.07.2011 w.e.f 29.07.2011.

3. A perusal of the order dated 28.08.2014, Annexure P-5, shows that Roshni Devi was regularised in service with effect from the date of her joining/posting in the school/institution. There is no document on record nor could learned counsel for the petitioner refer to any other material establishing that the petitioner's junior was regularised from any date prior to that of the petitioner. Besides, after being regularised vide office order dated

21.12.2011, she has been working as such for over twelve years and cannot be permitted to question the same.

4. Accordingly, there is no ground to entertain the first prayer and the petition *qua* that stands dismissed.

5. So far as the second prayer for counting the petitioners part-time service as qualifying service for pension is concerned, it is contended that a legal notice dated 31.08.2023, Annexure P-7, has been issued in that regard which is pending for appropriate decision before the respondents. At this stage, the petitioner will be satisfied in case respondents are directed to decide the same in a specified period.

6. Learned State counsel appearing on advance notice submits that the pending legal notice dated 31.08.2023 will be decided by the second respondent by passing a speaking order in accordance with law, within a period of three months.

7. In view of the statement made, learned counsel for the petitioner has no objection to the petition being disposed of *qua* second prayer in terms thereof.

8. Ordered accordingly.

(TRIBHUVAN DAHIYA)
(JUDGE)

02.05.2024

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No