

2024:PHHC:074152



**CM-8988-CWP-2024 and
CM-8989-CWP-2024 in/and
CWP-15831-2016**

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

(104)

**CM-8988-CWP-2024 and
CM-8989-CWP-2024 in/and
CWP-15831-2016
Date of Decision : May 24, 2024**

Saroj Bala

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Jaishree Kaushik, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

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As prayed for, the application is allowed.

Annexure P-11 is taken on record.

CM-8989-CWP-2024

Present application has been filed for listing the main writ petition i.e. CWP No.15831 of 2016, which stands adjourned sine die vide order dated 01.02.2019.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.



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Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and on the joint request of learned counsel for the parties, the main writ petition is taken up for hearing today itself.

CWP-15831-2016

1. In the present writ petition, the grievance being raised by the petitioner is that the husband of the petitioner was entitled for regularization of his services under the policy dated 01.10.2003 which benefit was not granted by the respondents.

2. Learned counsel for the petitioner submits that the respondents are liable to be directed to consider the claim of the husband of the petitioner for regularization of his services under the said policy and pass appropriate orders.

3. Learned counsel for the respondents submits that though, the claim raised by the petitioner is covered by the decision of this Court in ***CWP No.2158 of 2020 titled as Ashish Sharma and others vs. State of Haryana and others, decided on 13.03.2024*** but as the writ petition has been filed after the death of the employee, the said benefit is liable to be dismissed as the wife cannot claim the benefit of regularization of service.

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

5. It is not disputed that the claim of the petitioner for regularization of the services of her husband under the policy dated



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01.10.2003 is covered by the decision of this Court in ***Ashish Sharma's case (supra)***. The only objection taken is that the wife cannot file writ petition on behalf of her husband.

6. It may be noticed that the husband of the petitioner died while in service. In case the benefit of regularization for which the husband was entitled for during his life time qua the service career, is granted, certain benefits will be admissible to the petitioner being the widow of the employee concerned. Once, a particular benefit has been given to the employees, who are in service and were covered by the regularization policy dated 01.10.2003, the claim of the petitioner cannot be rebutted merely on the ground that her husband has died. In case, her husband had got any right to claim any benefit, the said benefit can be claimed by the petitioner by filing the present petition and she will be entitled for other benefits after the death of her husband in case benefit of regularization of his service is given to her late husband.

7. Keeping in view the above, the present writ petition is disposed of in terms of the order passed by this Court in ***Ashish Sharma's case (supra)***.

May 24, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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