



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

CWP-15746-2018 (O&M)

Reserved on: 20.09.2023

Pronounced on: 04.01.2024

Raj Rani

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. D.S.Patwalia, Sr. Advocate with
Mr. Gaurav Rana, Advocate
for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

Mr. G.S.Khokhar, Advocate
for respondents Nos. 3 and 4
alongwith Mr. Harpreet Singh Sandhu,
Executive Officer, Ludhiana,
Improvement Trust-respondent No.3-in person.

DEEPAK MANCHANDA, J.

Through this petition, the petitioner has challenged the order dated 19.06.2018 (Annexure P-25) with the prayer for issuing directions to respondents to continue the petitioner on the post of Computer Operator regularly and to release all the arrears of salary along with other allowances as admissible to a regular employee w.e.f. 29.12.2011.

2. The facts in brief leading to the present petition are that the petitioner, being a diploma holder in computer technology, was appointed to the post of Computer Operator in Ludhiana Improvement Trust on 23.11.2005

on contractual basis at a salary of Rs.3,000/- per month for a period of six months only through an appointment letter (Annexure P-1). The petitioner continued to work w.e.f. 23.11.2005 to 07.02.2012 on contractual basis, and her services were extended through different extension letters. Thereafter, on 26.09.2011, the petitioner moved an application (Annexure P-3) to respondent No.4 for regularisation to the post of Computer Operator on the ground that she has been continuously working w.e.f. 23.11.2005 and there is no complaint against her till date, but vide letter dated 21.11.2011 (Annexure P-4), respondent No.3 intimated to respondent No.2 that the post of Computer Operator is provincial and right to consider the case of the petitioner for regularisation as per Regularisation Policy of the year 2011 lies with the Director, Department of Local Government, (Respondent No.2). After that, respondent No.2 vide its letter dated 19.12.2011 (Annexure P-5) approved creation of a non-provincial post of Computer Operator in Ludhiana Improvement Trust as well as to regularise the services of the petitioner subject to condition of passing resolution by the Trust in this regard. In pursuance of the said letter of respondent No.2, respondent No.3-Ludhiana Improvement Trust vide its order dated 29.12.2011 (Annexure P-6) regularised the services of the petitioner to the post of Computer Operator in the pay scale of Rs.10,300-34,800+Rs.3,200/- (Grade Pay) subject to the condition of two years probation period and passing of the resolution by respondent No.3. Accordingly, the petitioner joined her service on 29.12.2011 (Annexure P-7). It is further mentioned that the petitioner was sincerely working on the post of Computer Operator, but, her salary was not released. Therefore, she moved representations dated 27.03.2012, 27.04.2012 and 15.01.2013 [Annexures P-8

(colly) and P-9 (colly), respectively] before respondent No.3. However, no relief was granted to the petitioner. Thereafter, on 31.05.2013, considering the representations moved by the petitioner, Agenda/Resolution No.34 (Annexure P-10) was prepared and placed before Trust. After that, the said resolution was placed before the State Authorities for approval; yet, it was cancelled vide letter dated 05.07.2013 (Annexure P-11) because it was not according to the Rules. Being aggrieved, the petitioner again filed a representation before the concerned Minister, stating therein that relevant facts were not considered before passing Resolution No.34; therefore, the matter should be reconsidered, and the salary admissible to the petitioner be released. While considering the prayer of the petitioner, concerned Minister vide its noting dated 24.09.2013 (Annexure P-13) directed the Trust authorities to release the salary due to the petitioner and further to submit a proposal regarding the facts which were not taken into consideration while passing Resolution No.34. In compliance of the said letter, respondent No.3 prepared a proposal and forwarded the same to Principal Secretary, Department of Local Bodies, Punjab (appended as Annexure P-14), despite that no response was received, therefore, the matter was again placed before the Trust Authorities in its meeting held on 09.10.2013 vide Resolution No.73 dated 09.10.2013 (Annexure P-15) and the Trust after taking into consideration the facts and circumstances, resolved that the matter be sent back to State Government for appropriate decision. Still, no response had been received from the office of Principal Secretary, Department of Local Bodies till date. Later on, respondent No.3, vide its letter dated 12.11.2013 (Annexure P-16) addressed to respondent No.2, again requested that approval be granted for the regularization of services of the petitioner to the post of

Computer Operator. Given minutes of the meeting dated 09.10.2013, the Superintendent, Local Bodies Department vide its letter dated 13.12.2013 (Annexure P-17), informed respondent No.4 that regarding Resolution No.73, a separate report has been sought from the Chief Vigilance Officer. Anyhow, vide letter dated 14.01.2014 (Annexure P-18) issued by respondent No.3, the petitioner was relieved from the post of Computer Operator due to expiry of her contract period.

3. Aggrieved against the order dated 14.01.2014, the petitioner approached this Court through CWP-1289-2014, wherein notice of motion was issued. During the pendency of the said writ petition, the petitioner received an amount of Rs.1,37,191/- in lieu of her salary and the same was accepted by her as is evident from the order dated 24.02.2016 passed therein. Further, during the pendency, the Department of Local Government, vide its letter dated 19.09.2017 (Annexure P-19), directed respondent No.3 to submit a detailed report about the petitioner's services. In pursuance of the said letter, a detailed proposal was prepared by respondent No.4, highlighting that the petitioner is an experienced, hard-working and sincere employee whose services are very much needed in Trust. Afterward, respondent No.2-Director, Local Government, vide letter dated 14.12.2017 (Annexure P-21), directed the Ludhiana Improvement Trust-respondent No.3 to take a decision with regard to regularization/appointment of the petitioner according to Rules/Instructions issued by the State Government from time to time as well as in view of CWP-1289-2014. Consequently, respondent No.4, vide its letter dated 02.01.2018 (Annexure P-22), decided to take back the petitioner on duty subject to withdrawal of the CWP No.1289-2014. The petitioner withdrew the same as

per the order dated 18.01.2018 (Annexure P-23) passed in the writ petition. On 30.05.2018, as per Resolution No.37 (Annexure P-24) the matter for reinstatement of the petitioner regularly coupled with the fact that a resolution was required to be passed by the Trust was placed before the Trust-Authorities and the same was approved by respondent Nos.3 and 4 and was placed before the State authorities for approval, though respondent No.2 rejected the Resolution No.37 vide its order dated 19.06.2018 (Annexure P-25) by observing that the petitioner had been appointed on regular basis vide letter dated 02.01.2018 without adopting the proper procedure. Given the above order, respondent No.4, vide its letter dated 20.06.2018 (Annexure P-26), relieved the petitioner from the post of Computer Operator w.e.f. 20.06.2018. Hence, this writ petition.

4. Learned Senior counsel for the petitioner contends that the impugned order dated 19.06.2018 (Annexure P-25) has been passed without following the principles of natural justice as neither any opportunity of hearing was granted nor any show cause notice was ever issued to the petitioner. Further, the petitioner was appointed as Computer Operator after due approval of the respondent(s) and was regularised on the said post by the State Government vide its letter dated 19.12.2011 (Annexure P-5); therefore, the respondent-State now cannot take a stand that the appointment/reinstatement of the petitioner is not proper. He further contends that the respondent-Trust believed the petitioner's services were indispensable. Therefore, there was no requirement for the respondent-Trust to pass a resolution about the regularisation of the petitioner separately. He also submits that the letter dated 14.01.2014 (Annexure P-18) was passed while treating the petitioner as a

contractual employee when, in fact, her services were already regularised vide order dated 29.12.2011, which has not been cancelled or set aside by any authority and once the respondent-Trust decided to reinstate the petitioner, the State Government could not question the same regarding non-adherence to any rules/Instructions. Learned Senior counsel further submits that similarly situated persons, who were working as Registration Clerks, were regularised in service vide order dated 24.12.2011 without imposing any condition on the Trust to pass such a resolution, where they have been continuing in service to date. He also submits that the Improvement Trust is an autonomous body governed by the Punjab Improvement Trust Act 1922 and there is no need to seek approval for its actions from the State Government.

5. Learned counsel for respondents Nos.1 and 2, vide their reply dated 30.01.2019, submits that the petitioner's appointment as a contractual employee with respondent No.3 was not in due course and by following proper procedure. A regular employee for the post of Computer Operator had to be appointed by respondent No.3 by following proper procedure, i.e. by issuing an advertisement as per the relevant Rules/Instructions issued by the Government from time to time and by inviting applications from desirous candidates. However, respondent No.3 straightaway issued an appointment letter to the petitioner by simply passing a resolution to the same effect in its meeting held on 30.05.2018. Further, as per the instructions issued by the Finance Department, Govt. of Punjab in the year 2011, it has been specifically provided that only those employees will be regularised who were working against a vacant regular post and whose initial appointment had been made as per the proper procedure. In contrast, in the present case, the petitioner had been

appointed without following the appropriate procedure.

6. *Per contra*, learned counsel for respondent Nos. 3 and 4, in their replies dated 03.12.2018 and 29.07.2020, have submitted that the petitioner has only received Rs. 1,37,191/- under the order dated 24.02.2016 passed by this Court in CWP-1289-2014. However, her salary is due w.e.f. 29.12.2011. He further submits that the bills regarding the petitioner's salary were prepared by the Accounts Branch on 18.05.2018 and sent to the Audit Branch, but they have not been passed. He further submitted that the petitioner's appointment was contractual and did not follow the proper procedure. Therefore, the resolution passed by the Improvement Trust Ludhiana did not find favour with respondent No.2 and has been rejected.

7. Heard.

8. The relevant Sections of The Punjab Town Improvement Act, 1922, governing the appointment of the employees of the Trust are reproduced here below:-

18. Power of Trust to fix the number and salaries of its servants:-

(1) Subject to the provisions of section 17 and the rules which the State Government may make on this behalf, the Trust may, from time to time, employ such other servants on such terms and conditions as it may deem necessary and proper for carrying out its functions under this Act.

(2) The power of appointing, promoting and granting leave to such servants, reducing, suspending or dismissing them for misconduct, and dispensing with their services for any reason other than misconduct shall be vested in the Chairman.

(3) Any servant who is reduced, suspended or dismissed by the Chairman under sub-section (2) may appeal to the Trust within thirty days of the date of communication of the order, and the decision of the Trust on such appeal shall be final.

Provided that in the absence of the Chairman on account of leave or otherwise for a period exceeding fifteen days, his powers under this section shall be exercisable by the Deputy Commissioner or by an officer not below the rank of an Extra

Assistant Commissioner authorized by the Deputy Commissioner on this behalf.

21. Supply of information and documents to the Government-

(1) The Chairman shall forward to the State Government a copy of the minutes of the proceedings of each meeting of the Trust within ten days from the date on which the minutes of the proceedings of such meeting were signed as prescribed in clause (e) of sub-section (1) of section 12.

(2) If the State Government so directs, in any case, the Chairman shall forward a copy of all papers laid before the Trust for consideration at any meeting.

(3) The State Government may require the Chairman to furnish it with -

(i) any return, statement, estimate, statistics or other information regarding any matter under the control of the Trust or

(ii) a report on any such matter, or

(iii) a copy of any document in the charge of the Chairman.

The Chairman shall comply with every such requisition without unreasonable delay."

9. A perusal of the material available on record would show that respondent No.2, vide its letter dated 19.12.2011 (Annexure P-5), granted approval for creation of non-provincial post of Computer Operator as well as to regularize the services of the petitioner to respondent No.3 subject to the condition of passing a resolution by the Trust. Given the above, respondent No.3, vide its order dated 29.12.2011 (Annexure P-6), conditionally regularized the services of the petitioner, subject to the condition mentioned above. Accordingly, Resolution No.34 was prepared and placed before the Trust Authorities for consideration in its meeting held on 31.05.2013, but later on, respondent No.2 rejected the said Resolution No. 34, which Trust passed for no justifiable reasons.

10. Further, specific approval vide letter dated 19.12.2011 (Annexure P-5) was granted by respondent No.2 about the regularization of the petitioner

and was acted upon by respondent No.3, now there is no reason to reject the resolution. Even thereafter, on the issue of reinstatement of the petitioner, respondent No.2 vide its letter dated 14.12.2017 (Annexure P-21) once again directed respondent No.3 to decide the issue of reinstatement of the petitioner given the rules/regulations, CWP-1289-2014 and regularization policies issued by the State Government from time to time on its own. Consequently, respondent No.4, vide its letter dated 02.01.2018 (Annexure P-22), reinstated the petitioner subject to her withdrawal of CWP-1289-2014, which the petitioner withdrew on 18.01.2018 (Annexure P-23). The two letters described above clearly show that earlier no such objection with regard to the appointment of the petitioner, not made according to proper procedure and following rules, was ever raised by respondent No.2, and now rejecting the resolution contrary to its own approval already granted through letters above seems to be misplaced.

11. A perusal of Sections 18 and 21 of The Punjab Town Improvement Trust Act, 1922 shows that the Chairman of the Improvement Trust has an authority to appoint any person and he is to forward all the information to the State as mentioned in Section 21 only for information and not for seeking any approval.

12. In the reply filed by respondents Nos.1 and 2, no explanation has come forth about the fact that once respondent No.2 had directed respondent No.3 to decide on their own about the reinstatement of the petitioner, then how could they later on reject the resolution passed in this regard by the Trust.

13. Even, respondents Nos.1 and 2 have admitted the contents of para No.24 of the petition about the reference to a letter dated 14.12.2017

(Annexure P-21), wherein directions were issued by respondent No.2, and there is no denial to the same. The same are reproduced herein below:-

“Para No.24 of the petition

That thereafter Superintendent, Department of Local Government, vide its letter dated 14.12.2017 directed the Ludhiana Improvement Trust to take a decision with regard to reinstatement of the petitioner in view of the rules/regulations, CWP No.1289 of 2014 and regularization policies issued by the State Government from time to time on its own. A copy of letter dated 14.12.2017 is appended herewith as Annexure P-21.

Reply to para No.24 of the petition

“That the contents of Para No.24 of the petition are matter of record.”

14. Moreover, a perusal of the impugned order dated 19.06.2018 shows that it is a non-speaking order and indicates a clear non-application of mind to the issues raised by the petitioner, which have not been dealt with while passing the same. The settled proposition of law is that even quasi-judicial orders must contain reasons for reaching a conclusion. Order dated 19.06.2018 (Annexure P-25), thus, lacks the essentials of judicial or quasi-judicial orders for want of reasons, and the same deserves to be set aside.

15. Reference in this regard may be made to the judgment of the Hon'ble Supreme Court in a case titled **“M/s Kranti Associates Pvt. Ltd. & Anr.Vs.Sh.Masood Ahmed Khan & Others”** reported as **2010(3) SCC (Civil) 852**, in which it has been held as under:-

“xxx

51. Summarising the above discussion, this Court holds:

a. In India, the judicial trend has always been to record reasons, even in administrative decisions, if such decisions prejudice anyone.

b. A quasi-judicial authority must record reasons in support of its conclusions.

c. Insistence on recording reasons is meant to serve the broader principle of justice, which states that justice must not only be done but

must also appear to be done.

d. recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

e. Reasons reassure that the decision maker has exercised discretion on relevant grounds and by disregarding extraneous considerations.

f. Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

g. Reasons facilitate the process of judicial review by superior Courts.

h. The ongoing judicial trend in all countries committed to the rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making, justifying the principle that reason is the soul of justice.

i Judicial or quasi-judicial opinions can be as different as those of the judges and authorities who deliver them. All these decisions serve one common purpose: to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

j. Insistence on reason is a requirement for both judicial accountability and transparency.

k. If a Judge or a quasi-judicial authority is not candid enough about their decision-making process, then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

L. Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision-making process.

m. It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor (1987) 100 Harvard Law Review 731-737).

n. Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See (1994) 19 EHRR 553, at 562 para 29

and Anya vs. University of Oxford, 2001 EWCA Civ 405, wherein the Court referred to Article 6 of European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".

o. In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process".

xxx xxx"

16. Reference may also be made to the judgment of the Hon'ble Division Bench of this Court in case titled as ***"Banarsi Das Cotton Mills (P) Ltd. v. State of Haryana and another"***, reported as 1997(1) PLR 17, in which, it has been held as under:

"xxx xxx

3. Although the impugned order/notice has been challenged on various grounds, we are of the opinion that the same is liable to be quashed on the short ground it does not contain reasons. There can be no manner of doubt that while deciding the appeal the Higher Level Screening Committee acts as a quasi judicial authority and it is duty bound to record reasons in support of its decision. The recording of reasons and communication thereof is imperative for compliance with the principles of natural justice, which must inform the proceedings of every quasi-judicial body and even in the absence of a statutory provision or administrative instructions requiring the recording of reasons in support of the orders, the quasi-judicial authority must pass speaking orders so as to stand the test of scrutiny.

4. In Testeels Ltd. v. N.M. Desai, Conciliation Officer, A.I.R. 1970 Gujarat 1 (F.B.). Full Bench of the Gujarat High Court held that the jurisdiction of the High Court under Article 226 and that of the Supreme Court under Article 136 of the Constitution of India cannot be stultified by administrative authorities by passing non-speaking orders.

5. The requirement of recording of reasons and communication thereof by quasi judicial authorities has been emphasized in several judgments of the Supreme Court including a Constitution Bench Judgment in S.N. Mukherjee v. Union of India, A.I.R. 1990 S.C.

1984.

6. Similar view has been expressed by a Division Bench of this Court in *CWP No. 10769 of 1995 (Haryana Cotton Mills P. Ltd. Tohana v. State of Haryana and Ors.)*, decided on 8.12.1995.

7. In view of the above legal position, we quash the rejection of the petitioner's appeal by the Higher Level Screening Committee and direct that Higher Level Screening Committee shall reconsider the appeal filed by the petitioner and pass a fresh order after giving opportunity of hearing to the petitioner. The High Level Screening Committee is further directed to decide the appeal afresh by passing a reasoned order within a period of one month after issuing notice to the petitioner for a specific date of hearing, on receipt of a copy of this order. The registry of this Court is directed to send a copy of this order to respondent No. 2.

xxx xxx”

17. The impugned order dated 19.06.2018 has been passed without taking into consideration the objections/representations raised by the petitioner. Since no reason has been given while relieving the petitioner as to why Resolution No.37 with regard to reinstatement of the petitioner on regular basis was rejected. Therefore, the same has been passed in violation of the principles of natural justice and is not sustainable.

18. Further, the impugned order dated 19.06.2018 has been passed under Section 72-E of The Punjab Town Improvement Act, 1922 (hereinafter referred as “of the Act”). Reference in this regard needs to be made to Sections 72-B and 72-E both and the same are reproduced here under:-

“72B. power to suspend any resolution or order of Trust.

- The Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a trust or prohibit the doing of any act which is about to be done, or is being done in pursuance of or under cover of this Act, or in pursuance of any sanction or permission granted by the Trust in the exercise of its powers under the Act, if, in his opinion, the resolution, order or Act is in excess of the powers conferred by law or contrary to the interests of the public or likely to cause waste or damage of trust funds or property, or

the execution of the resolution or order, or the doing of the Act, is likely to lead to a breach of the peace, to encourage lawlessness or to cause injury or annoyance to the public or to any class or body of persons.

72E. Power of State Government and its officers over trusts.

(1)The State Government and Deputy Commissioners acting under the orders of the State Government, shall be bound to require that the proceedings of trusts shall be in conformity with law and with the rules in force under any enactment for the time being applicable to Punjab generally or the areas over which the trusts have authority.

(2)The State Government may exercise all powers necessary for the performance of this duty and may, among other things, by order in writing, annul or modify any proceeding which it may consider not to be in conformity with law or with such rules as aforesaid, or for the reasons, which would in its opinion justify an order by the Deputy Commissioner under section 72-B.

(3)The Deputy Commissioner may, within his jurisdiction for the same purpose, exercise such powers as may be conferred upon him by rules made in this behalf by the State Government.”

19. The contents of the impugned order dated 19.06.2018 simply revealed the unexplained reasoning, where a specific reference has been made with regard to appointment of petitioner, and by saying that she was appointed without adopting any procedure, which is against the rules/instructions of the Government. The relevant part of the impugned order read as under:-

“2. As per the contents of the above resolution, Chairman, Improvement Trust, Ludhiana has appointed Smt.Raj Rani on regular basis vide his letter No.6322 dated 2.1.2018 without adopting any procedure, which is against the rules/instructions of the Government.

3. In view of the position explained above, resolution No.37 dated 30.5.2018 is not covered under the rules/instructions. Thus, I, Krunesh Sharma, I.A.S., Director, Department of Local Government, hereby reject the resolution No.37 dated 30.5.2018 of Improvement Trust, Ludhiana under Section 72-E of Punjab Town Improvement Act, 1922.”

20. After going through the contents of the Section 72-E of the Act, it

shows that the State Government and Deputy Commissioners acting under the orders of State Government shall be bound to require that the proceedings of trusts shall be in conformity with law and with the rules in force under any enactment for the time being applicable to Punjab generally or the areas over which the trusts have authority. As per said section, it empowers the State Government to annul or modify any proceedings which it may consider not to be in conformity with law or with such rules as aforesaid, or for the reasons, which would in its opinion justify an order by the Deputy Commissioner under Section 72-B. It is only Deputy Commissioner, who has power to suspend any resolution or order of Trust, whereas in the present case, the impugned order has been passed by respondent No.2 i.e. Director, Department of Local Government, who is not a competent authority to pass such an order as per the Act.

21. Similarly as per Section 72-E(1) under which the resolution passed by the Trust had been rejected, as per said Section 72-E(1), the State Government and Deputy Commissioners acting under the orders of State Government are bound to require the proceedings of Trust to conform with the law and the rules in force. But, in contrast, as per the contents of the impugned order, no such explanation has been given while rejecting the resolution; instead, it has been merely stated that "without adopting any procedure, which is against the rules/instructions of the Government." where neither the specific rules are mentioned, nor any such instructions have been explained, which shows that the Act of rejecting the claim of the petitioner based upon the impugned order dated 19.06.2018 is also not in conformity with the provisions of the Act as instructed by the State Government; hence, on this count, also the

impugned order deserves to be set aside.

22. Besides this, as per reply filed by respondent Nos.3 and 4, the stand taken therein is also contrary to the orders passed for regularization as well as the reinstatement of the petitioner by simply stating therein that respondent Nos.3 and 4 have no control or say in passing of the impugned order dated 19.06.2018 by respondent No.2, who is the authority authorized to accept or reject the resolution passed by the Improvement Trust and the contents of the said reply are also contrary to the provisions under Sections 18 and 21 of the Act, as per which it is only respondent No.4, who is authorized to decide about the appointment, promotion and granting leave and reducing, suspending or dismissing and dispensing with the service of its employees for any reason other than misconduct.

23. Even as per the contents of the reply on merits filed by respondent Nos.3 and 4, there is no denial about the orders passed by respondent Nos.3 and 4 either for appointment/regularization or reinstatement of the petitioner.

24. Additionally, the petitioner has alleged that she has been discriminated against as certain Registration Clerks who were initially appointed on a contractual basis in a similar manner as the petitioner and later on were regularized vide order dated 24.12.2011 (Annexure P-7-A) passed by the respondent-State without imposing any such condition as to the passing of a Resolution by respondent-Trust. Respondents Nos.1 and 2 stated that the said order had been passed as those employees were working against regular posts, and their appointments had been made per procedure. In contrast, no explanation has been given about which procedure was adopted by the respondents while appointing similarly situated employees and respondents

Nos.3 and 4 have also taken a similar stand, as has been explained by respondents Nos.1 and 2.

25. After going through the material available on record, this Court can safely draw trust that the stand taken by the respondents in their replies are contrary to their actions taken against petitioner either at the time of her regularization or reinstatement, and same cannot be allowed to sustain legally.

26. Given the above discussion, this petition is allowed, and the impugned order dated 19.06.2018 (Annexure P-25) is hereby quashed with the directions to the respondent to consider the claim of the petitioner as prayed for in the petition within three months from the receipt of a certified copy of this order.

27. Pending application(s), if any, are disposed of.

(DEEPAK MANCHANDA)
JUDGE

04.01.2024
vanita

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No