

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105 CM-6005-CWP-2024 in/&
CWP-18340-2018
Date of Decision :09.05.2024

Kamlesh ...Petitioner

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Harish Nain, AAG, Haryana.
* * *

Harsimran Singh Sethi, J. (Oral)

CM-6005-CWP-2024

Present application has been filed for listing the main writ petition, which was adjourned sine die to await the decision of the Hon’ble Supreme Court of India in SLP-4531-2023 titled as State of Haryana and others vs. Balwinder Singh and others.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Main writ petition is taken up for hearing today itself.

CWP-18340-2018

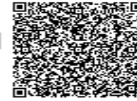
1. In the present petition, grievance of the petitioner is that the



petitioner is entitled for consideration of his claim for regularization of her services under the policy dated 01.10.2003 as the petitioner fulfills all the requisites of the said policy but her services were regularized only under the policy dated 18.06.2014, which policy has already been set aside by this Court while passing order in ***CWP No.17206 of 2014 titled as Yogesh Tyagi and another vs. State of Haryana and others, decided on 31.05.2018*** and the petitioner is only continuing in service under the interim order of the Hon'ble Supreme Court of India.

2. Learned counsel for the petitioner submits that the question of law raised in the petition has come up for consideration before this Court and this Court while passing order in **CWP-2158-2020 titled as, Ashish Sharma and others vs. State of Haryana and others, decided on 13.03.2024** along with other connected cases, has laid down the parameters for considering the claim of the employees under the said policy dated 01.10.2003 and the petitioner will also be satisfied in case the claim of the petitioner is considered by the respondents as per the terms and conditions of the order passed by this Court in **Ashish Sharma (supra)**.

3. Learned State counsel submits that services of the petitioner have already been regularized and the present petition has been filed after a period of 04 years and hence, the petitioner be not given liberty to seek regularization of her services, as claimed, under the judgment of this Court in **Ashish Sharma (supra)**.



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

5. It may be noticed that though, the services of the petitioner were regularized under the policy dated 18.06.2014 but said regularization policy and consequent regularization of the employees have already been set aside by this Court while passing order in Yogesh Tyagi (supra) and the petitioner is only continuing under the interim order of the Hon'ble Supreme Court of India and in case petitioner intends that her claim for regularization of her service be considered under the policy dated 01.10.2003, the respondents cannot refuse the said consideration.

6. Keeping in view the above, present petition is also disposed of in terms of the order passed by this Court in Ashish Sharma (supra) so as to consider the claim of the petitioner for regularization of her services under the policy dated 01.10.2003 and to pass appropriate speaking order within a period of 08 weeks from the date of receipt of copy of this order.

May 09, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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