

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:055580

(211) CWP-23696-2017
Date of Decision : April 24, 2024

Navneet Gupta .. Petitioner

Versus

State of Haryana and others .. Respondents

(211-A) CWP-35578-2019

Salek Chand .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Suryaveer Surjewala, Advocate and
Mr. Sunil Kumar Nehra, Advocate, for the petitioner
in CWP-23696-2017 and
for respondent No.3 in CWP-35578-2019.

Ms. Avin Kaur Sandhu, Advocate, for the petitioner
in CWP-35578-2019.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law on similar facts.
2. In the present writ petitions, the grievance being raised by the petitioner(s) is that their claim under the Policy dated 01.10.2003 (Annexure

P-12) for regularization of their service has not been considered by the respondents despite the fact that similarly situated employees, who were in service on the said date, have been granted the said benefit.

3. Learned counsel appearing on behalf of the petitioner (in CWP No.35578 of 2019) submits that prior to the issuance of the regularization policy on 01.10.2003, the services of the petitioner were terminated, which order was challenged by the petitioner before the Industrial Tribunal and the petitioner was directed to be reinstated in service with continuity hence, it is deemed that the petitioner was in service as on 01.10.2003 so as to get the benefit of consideration of regularization of his service under the said policy. Learned counsel further submits that as the respondents have not granted the consideration for the said benefit to the petitioner under the said policy dated 01.10.2003, the respondents are liable to be directed especially in view of the order passed by this Court in the case of similarly situated employees while deciding ***CWP No.2158 of 2020 titled as Ashish Sharma and others vs. State of Haryana and others, decided on 13.03.2024.***

4. Learned counsel appearing on behalf of the petitioner (in CWP No.23696 of 2017) submits that despite the fact that the petitioner was in service as on 01.10.2003 keeping in view the order passed by this Court in CWP No.15036 of 2003 but the benefit of regularization was given to the other employees who were working on the said date and without any reason, the claim of the petitioner under the policy dated 01.10.2003 was not considered so as to grant the benefit as admissible.

5. Learned counsel for the respondents does not dispute that the claim of the petitioner(s) has not been considered under the policy dated 01.10.2003 as of now.

6. Learned counsel for the respondents has also not been able to dispute that qua the similar relief claimed by the other similarly situated employees who were also claiming the benefit of regularization of their service under the policy dated 01.10.2003, this Court has laid down parameters for consideration of their claim while passing order in ***Ashish Sharma's case (supra)***.

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

8. Once, either the petitioner(s) were continuing under the orders of the Court as on 01.10.2003 or they were reinstated with continuity of service and deemed to be in service as on 01.10.2003, the respondents were under obligation to grant the consideration of their claim for regularization of their services under the regularization policy dated 01.10.2003. This Court while passing order in ***Ashish Sharma's case (supra)***, has laid down certain parameters for consideration and the petitioner(s) are also entitled for consideration of their claim keeping in view that parameters laid down for seeking regularization under the policy dated 01.10.2003 hence, the present writ petitions are also disposed of in terms of the order passed in ***Ashish Sharma's case (supra)*** so as to give direction to the respondents to consider the claim of the petitioner(s) for regularization of their services under the policy dated 01.10.2003.

9. A photocopy of this order be placed on the file of other connected case.

April 24, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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