

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

223-3

Decided on :02.05.2024

1) CWP-24967-2018 (O&M)

ROSHNI DEVI . .Petitioner
Versus

STATE OF HARYANA AND OTHERS . . . Respondents

2) CWP-26023-2018 (O&M)

SITA DEVI Petitioner
V/S

STATE OF HARYANA & ORS Respondents

3) CWP-28453-2018 (O&M)

JAI KISHAN Petitioner
V/S

STATE OF HARYANA & ORS Respondents.

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Sunil Kumar Bhardwaj, Advocate and
Ms. Divya, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. By this common order, above mentioned writ petitions are being disposed of as all the writ petitions involve the same question of law on similar facts. The facts are being taken from CWP-24967-2018.

2. In the present petition, the grievance being raised by the petitioner is that the employees junior to the petitioner have been given the

benefit of *ante dated* regularization from 27.01.1999 vide order dated 02.08.2017, copy of which has been appended as Annexure P-11, hence, the petitioners be also granted the said benefit being senior employees.

3. Certain facts needs to be mentioned for correct appreciation of the issue in hand.

4. The petitioner joined the respondent-department as a part time Water Carrier on 10.07.1987. The respondents had issued a regularization policy on 30.12.1998/25.02.1999 (Annexure P-2) for regularizing the services of the employees, who had completed 3/6 years of service as part time water carrier.

5. The claim of the petitioner was not considered by the respondents under the said regularization policy, ultimately, the services of the petitioner was regularized w.e.f. 08.05.2012 (Anneuxre P-1). The petitioner continued working on the said post. It may be noticed that the respondents while regularizing the services of the petitioner had issued a seniority list of the part time workers, who were working with the respondent-department and as per the said seniority list, the name of the petitioner is mentioned at serial No. 42, a copy of seniority list is appended as Annexure P-4.

6. Vide order dated 02.08.2017 (Anneuxre P-11) passed by the office of District Education Officer, Sonapat, the services of certain employees who were also working on the part time basis and also junior to the petitioner in seniority were regularized from 27.01.1999 keeping in view the directions given by this Court in **CWP No. 5926 of 2011 titled as Vidya Devi and others v. State of Haryana and others, decided on 20.02.2002.**

Hence, the petitioner is claiming the said benefit on the ground that the

employees whose services have been regularized from 27.01.1999 were junior to the petitioner and details of their seniority list have been mentioned by the petitioner in paragraph No. 16 of the present writ petition.

7. The petitioner is claiming the benefit of regularization from retrospective effect with consequential benefits as extended to the other similarly situated employees, who were juniors to the petitioner.

8. After notice of motion, the respondents have filed their reply wherein they have mentioned that certain employees who were given the benefit of regularization in service from 27.01.1999 but the said benefit has already been withdrawn from them after giving a show cause notice. The said fact has been mentioned in paragraphs No. 13,15 and 16 of the reply.

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

10. Once, the claim of the petitioners is based upon the order passed by the respondents on 02.08.2017 (Annexure P-11) and as per the respondents, the benefit of regularization was wrongly given to the similarly situated employees as the petitioner but as of now, the said benefit of regularization has already been withdrawn from them after giving a show cause notice, hence, the petitioners cannot claim the said benefit. Once, the basis of the claim has already been withdrawn from the other similarly situated employees, no ground is made out for the grant of benefit of regularization to the petitioner w.e.f . 27.01.1999.

11.. Even otherwise, the averments made in the reply filed by the respondents gone un-rebutted and once the benefit of *ante dated regularization* given to the juniors of the petitioner has already been withdrawn from them, no ground is made out for any interference by this

CWP-24967-2018 (O&M)
CWP-26023-2018 (O&M)
CWP-28453-2018 (O&M)

-4- 2024:PHHC:060673

Court in the present writ petitions, hence, the present writ petitions stands dismissed.

12. At this stage, learned counsel for the petitioner submits that though the present petitions have been dismissed but liberty be given to the petitioners that in case, the benefit of ante dated regularization as extended to similarly situated employees vide order dated 02.08.2017 (Annexure P-11) has not been withdrawn then liberty be given to the petitioners to revive the present petitions by way of filing an application.

13. Ordered accordingly.

14. Pending civil miscellaneous application, if any, stands disposed of.

15. A photocopy of this order be placed on the files of connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

02.05.2024
Riya

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