



CWP-30791-2018 (O&M)

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

**CWP-30791-2018 (O&M)
Date of Decision: 28.10.2024**

Budh Singh and others

..... Petitioners

Versus

Haryana Vidyut Prasaran Nigam Ltd. (HVPNL) and others Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.L. Arora, Advocate,
for the applicants/petitioners.

Mr. Prateek Mahajan, Advocate,
for the non-applicants/respondents.

JASGURPREET SINGH PURI, J. (ORAL)

CM-13787-CWP-2024

The present application has been filed for permitting the applicants/petitioners to add prayer clause (xi) i.e. Orders dated 29.11.2019 (Annexure R-2) passed during the pendency of the writ petition and attached with the written statement be set aside and quashed and for taking the factual position of the application on record.

Learned counsel for the applicants/petitioners stated that the order dated 29.11.2019 has been passed during the pendency of the present writ petition which the applicants/petitioners want to challenge.

On the last date of hearing, notice in the application was issued.

Today, Mr. Prateek Mahajan, learned counsel for the respondents stated that he has no objection in case the present application is allowed because the aforesaid order was passed during the pendency of the

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present writ petition.

In view of the above, the present application is allowed. The prayer which is so stated in the application deemed to be added in the present writ petition.

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1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of *certiorari* mandamus or any other appropriate writ, order or direction thereby commanding the respondent authorities to (i) grant the deemed date of regularisation from 01.01.1988 in view of Secretary, HSEB circular dated 08.02.1988 as granted to the juniors and similar persons, (ii) grant 1st and 2nd ACP on completion of 10 and 20 years of service by counting the Regular Service from 01.01.1988 from the date the same has been granted to the juniors and similar persons i.e. from 01.01.1998 and 01.01.2008, (iii) grant deemed date of regularisation of 01.01.1988 to Dharam Pal and accordingly grant 1st ACP becoming due from 01.01.1998 and consequential benefits of revised pension and pensionary benefits be given to him in comparison to his juniors namely Mohinder Singh and Darshan Singh, (iv) arrears of salary and pension and pensionary benefits be granted with interest @ 18% per annum.

2. By way of an amendment of the present petition, the order dated 29.11.2019 vide Annexure R-2 has also been challenged because the same was passed during the pendency of the present petition.

3. Learned counsel for the petitioners submitted that the claim of the petitioners is that their juniors have been granted the deemed date

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regularization w.e.f. 01.01.1988 and all the benefits have also been granted to them but when the impugned order dated 29.11.2019 (Annexure R-2) was passed, the same aspect has not even been considered by the respondents.

4. Mr. Prateek Mahajan, learned counsel for the respondents submitted that it is the correct position that in the impugned order (Annexure R-2), the aforesaid grievance of the petitioners has not been considered and the respondents may be permitted to pass a fresh order on the basis of the aforesaid grounds taken by the petitioners so that their grievance can be redressed.

5. In view of the aforesaid stand taken by the learned counsel for the respondents, the present petition is partly allowed. The impugned order dated 29.11.2019 (Annexure R-2) is hereby set aside. The respondents/Competent Authority is directed to pass a fresh speaking order in accordance with law and especially by addressing the grievance of the petitioners with regard to their assertion that their juniors have been granted deemed date of regularization w.e.f. 01.01.1988 and not to the petitioners and even consequential benefits of revised pension have not been given to them including ACP etc. The aforesaid order shall be passed within a period of 4 months from today after giving an adequate opportunity of hearing to the petitioner or his counsel and in accordance with law.

28.10.2024*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |