

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

(Sr. No. 215)

(1)

RSA-902-2015 (O&M)

Date of Decision : 15.04.2024

Uttar Haryana Bijli Vitran Nigam Limited and others

...Appellants

Versus

Smt. Mamo Devi and others

...Respondents

(2)

RSA-2314-2015 (O&M)

Uttar Haryana Bijli Vitran Nigam Limited and others

...Appellants

Versus

Raj Pal and others

...Respondents

(3)

RSA-2355-2015 (O&M)

Uttar Haryana Bijli Vitran Nigam Limited and others

...Appellants

Versus

Shiv Narain and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:

Mr. Puneet Jindal, Senior Advocate with
Ms. Navroop Jawanda, Advocate for the appellants
in all the RSAs.

Mr. Paramveer Singh, Advocate for the respondents
in all the RSAs.

Harsimran Singh Sethi J. (Oral)

1. In the present bunch of appeals, the challenge is to the judgments and decrees of the courts below by which, the direction has been given to consider the claim of the respondents-plaintiffs for regularization of their services under the Regularization Policy dated 01.10.2003.

2. Learned senior counsel appearing on behalf of the appellants-defendants submits that during the pendency of the present appeals, keeping in view the direction given by the Co-ordinate Bench, a fresh order has been passed declining the benefit for regularization of the services of the respondents-plaintiffs on the ground that they were not recommended by the Employment Exchange.

3. Learned counsel for the respondents-plaintiffs, on the other hand, submits that keeping in view the Regularization Policy dated 01.10.2003, no such condition is mentioned, hence, the claim of the respondents-plaintiffs has been rejected contrary to the terms and conditions of the Regularization Policy dated 01.10.2003.

4. Learned counsel for the respondent-plaintiff further submits that the issue with regard to the regularization of the employees under the Regularization Policy dated 01.10.2003 has already been decided by this Court and parameters have been laid down on the basis of which the claim of the employees is to be considered while passing order in ***CWP***

No. 2158 of 2020 titled as Ashish Sharma and others vs. State of

Haryana and others, decided on 13.03.2024 and the respondents be directed to consider the claim of the petitioners as per the direction given in ***Ashish Sharma's case (supra)***.

5. Learned senior counsel appearing on behalf of the appellants-defendants very fairly submits that in case, the respondents-plaintiffs themselves are agreeable that their cases be considered in terms of the direction given in ***Ashish Sharma's case (supra)***, the same will be done in accordance with the direction given therein and appropriate order will be passed within a period of three months from the date of receipt of copy of this order.

6. Learned counsel for the respondents-plaintiffs submits that they have no objection in case, the claim of the respondents-plaintiffs is considered in terms of the judgment in ***Ashish Sharma's case (supra)***.

7. Keeping in view the above, the present appeals are disposed of with the direction to the appellants-defendants that the claim of the respondents-plaintiffs be considered under the Regularization Policy dated 01.10.2003 keeping in view the parameters laid down in ***Ashish Sharma's case (supra)*** and appropriate order be passed within a period of three months from the date of receipt of copy of this order.

8. Needless to say that in case, the respondents-plaintiffs are found entitled for the benefit, the same be given otherwise, due reasons be mentioned in the fresh order to be passed. It may be noticed that the claim of the respondents-plaintiffs will not be rejected merely that during

the pendency of the present appeals, their claim had already been rejected under the Policy of the year 2011.

9. All the regular second appeals are disposed of in above terms.

10. Pending miscellaneous application, if any, also stands disposed of.

11. A photocopy of this order be placed on the file of connected cases.

April 15th, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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