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

CWP-26221-2024

Date of Decision: 14.01.2025

BIMLA DEVI

..... Petitioner

Versus

DAKSHIN HARYANA BIJLI VITRAN NIGAM AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Nischal Chetanya Manchanda, Advocate
for the petitioner.

Ms. Nikita Goel, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. Ms. Nikita Goel, Advocate has put in appearance on behalf of the respondents and filed her power of attorney. The same is taken on record. Registry is directed to tag the same at an appropriate place.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to regularize her from the date of appointment i.e. 11.09.1992.

3. The petitioner joined respondent as part-time Sweeper on 11.09.1992. She was neither appointed as regular employee nor appointed after following the procedure prescribed for appointment of regular employees. She continuously worked till 2018 but was not regularized despite policies framed by the State Government. She approached this Court in 2018 by way of Civil Writ Petition No.10881 of 2018. The said petition was disposed of in terms of order dated 17.04.2018 passed by



this Court in ***CWP No.29171 of 2017*** titled as '***Rajender Kumar and others Vs. State of Haryana and others***'.

4. Mr. Nischal Chetanya Manchanda, counsel for the petitioner submits that petitioner was required to be regularized w.e.f 11.09.1992 i.e. the date of appointment. The respondent has wrongly regularized her w.e.f. 29.07.2011. The respondent has regularized similarly situated employees from the date of their appointment. The act of respondent is discriminatory in nature and violative of Article 14 of the Constitution of India.

5. *Per contra*, Ms. Nikita Goel, counsel for the respondents who on advance notice is present in Court submits that petitioner was regularized in terms of policy of 1996. She was regularized vide order dated 27.01.2023, however, with retrospective effect i.e. 29.07.2011. In the regularization order, it was made clear that she would not be entitled to back wages but will be entitled to all other consequential benefits accruing from the deemed date of regularization i.e. 29.07.2011.

6. I have heard the arguments of learned counsel for the parties and perused the record with their able assistance.

7. The petitioner was concededly not appointed in 1992 against a sanctioned post as a regular employee or after following the procedure prescribed for appointment of regular employees. She was appointed as part-time Sweeper. She approached this Court in 2018 seeking regularization. While passing order dated 17.04.2018 read with 25.5.2018, this Court considered length of service of the employees and thereafter ordered to regularize them. In those orders, there was no direction to regularize them from a particular date. The respondent



complying with orders passed by this Court in different writ petitions regularized her from retrospective date i.e. 29.07.2011. She has already attained the age of superannuation.

8. Faced with aforesaid facts, Mr. Nischal Chetanya Manchanda submits that respondent has not released benefits accruing from the date of regularization i.e. 29.07.2011, thus, respondent at the earliest should release all the benefits accruing from the date of regularization.

9. Ms. Nikita Goel submits that petitioner would be released all consequential benefits from the date of her regularization.

10. In the wake of statement of both sides, the present petition stands disposed of.

11. It is further made clear that benefits shall be released subject to outcome of petition, if any, filed against order dated 25.05.2018 passed by this Court in the case of petitioner herself. Let the needful be done within a period of three months from today.

(JAGMOHAN BANSAL)
JUDGE

14.01.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No