

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:030994-DB



LPA-3747-2025 (O&M)

Date of Decision: 25.02.2026

Sunita Devi and others

..Appellants

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Karanveer Singh Banyana, Advocate for the appellants.

Mr. Pankaj Middha, Addl. AG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal seeks to assail the judgment of the learned Single Judge dated 08.10.2025, passed in CWP-24663-2012, whereby the writ petition itself has been dismissed primarily on the ground of passage of 17 years since the appellants (writ petitioners) were retrenched.

2. It transpires that the appellants were appointed on different dates in the year 1997. They continued to work till 2008-2009, when their engagement was discontinued without passing any order. It was at that stage the appellants approached this Court by filing writ petition in the year 2009. Since, certain subsequent orders were passed, as such, the appellants were permitted to withdraw the writ petition with liberty to file afresh, vide order dated 07.09.2012. It is thereafter that the writ petition was filed in the year 2012 itself.

3. Learned counsel for the appellants contended that in terms of the policy for regularization notified on 01.10.2003, all the appellants were entitled to be regularized and refusal by the learned Single Judge to consider their case on merits requires re-consideration. Reliance has also been placed on the judgment of the Division Bench of this Court in CWP-9708-2004 decided on 04.02.2015, titled as **Ajit Singh vs. State of Haryana and others**, wherein the Division Bench has observed that the subsequent amendment in the regularization policy notified on 10.02.2004, requiring the person to be in service as on 30.01.1996 and for such reason non-extension of benefit of regularization, would be arbitrary. Submission is that the notification of 10.02.2004, has primarily been relied upon to deny the benefit of regularization to the appellants. Contention is that in view of the judgment of the Division Bench of this Court in Ajit Singh case (supra), the appellants had made out a case for consideration of their claim for regularization and merely because the writ petition remained pending for certain years would not be a ground to shut out the appellants on merits.

4. Learned State counsel opposes the claim of the appellants on the grounds on which the learned Single Judge has dismissed the writ petition.

5. From the perusal of materials brought on record, it is apparent that the working of the appellants from 1997 to 2008, is not disputed. Whether in terms of policy for regularization notified on 01.10.2003, the appellants were entitled to continue is an aspect which did merit consideration. The subsequent amendment notified on 10.02.2004, could not have been relied upon to non-suit the appellants on the ground that they were not in service on 30.01.1996. These aspects have not been taken into consideration by the learned Single Judge while dismissing the writ petition.

Law is otherwise settled that any procedural delay in disposal of the cause, cannot be to the prejudice of the litigant. This principle has been culled out in the phrase '*Actus Curiae Neminem Gravabit*'

6. We, therefore, find substance in the appellants' contention that the claim of the appellants for regularization requires re-consideration. Consequently, the appeal succeeds and is allowed. The judgment of the learned Single Judge dated 08.10.2025, is set aside. The matter is remitted to the learned Single Judge for re-consideration of the cause keeping in view the judgment of the Division Bench in Ajit Singh case (supra), by passing appropriate orders, in accordance with law. All pleas on facts and law are left open for consideration.

7. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

25.02.2026

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