

(2013) 12 P&H CK 0145
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 28287 of 2013

Munesh and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 20-12-2013

Acts Referred:

Citation : (2013) 12 P&H CK 0145

Hon'ble Judges : Rajiv Narain Raina, J

Bench : Single Bench

Advocate : Deepak Sonak, for the Appellant;

Final Decision : Disposed Off

Judgement

Rajiv Narain Raina, J.—Claim regularization based on long service from 1986 to 1995 in terms of the recent policy circular on regularization issued on 29th July, 2011 (P-1). The petitioners are part-time sweepers. The policy gives a right to part-time employees who fulfill the conditions of the circular to be regularized against a sanctioned vacant full time post of the category. The petitioners have served a legal notice dated 21st September, 2013 (P-2) on the respondents praying for relief of regularization in terms of the circular. The same has not been decided so far. Learned counsel for the petitioners prays for a direction to the respondents to consider and decide the aforesaid legal notice in a time bound manner. Since the claim of the petitioners is based on policy instructions they have a right of consideration under instructions and in terms thereof.

2. In these circumstances, this Court deems it appropriate to issue a direction to the 2nd respondent to consider and decide the legal notice dated 21st September, 2013 (P-2) in terms of the policy circular dated 29th July, 2011. It may be kept in mind that this policy circular has been issued in terms of the judgment of the Constitution Bench in Secretary, State of Karnataka and Others Vs. Umadevi and Others, which protected in para.53 rights of workers who had rendered over 10 years of service. In case, the claim of the petitioners are found

justified in terms of the policy circular they may be granted relief within 60 days from the date of receipt of certified copy of this order. If the request made through the legal notice is to be rejected then the petitioners would have a right to be heard before final orders are passed and in which case the 2nd respondent would be obliged to pass a speaking order containing reasons for conclusions reached. With the above observations and directions, the present writ petition stands disposed of.