

CASE NO.:
Appeal (civil) 250 of 2007

PETITIONER:
State of Haryana & Anr

RESPONDENT:
Saroj Bala & Ors

DATE OF JUDGMENT: 17/01/2007

BENCH:
G.P. MATHUR & A.K. MATHUR

JUDGMENT:
J U D G M E N T
(Arising out of Special Leave Petition (Civil) No.23428 of 2005)

G. P. MATHUR, J.

1. Leave granted.

2. This appeal, by special leave, has been filed challenging the judgment and order dated July 18, 2005 of High Court of Punjab and Haryana, by which the writ petition filed by the respondent Saroj Bala was allowed and it was directed that her services shall be regularized w.e.f. October 1, 2003 with all consequential benefits.

3. Learned counsel for the appellants has submitted that the issue of regularization of service has been recently examined by a Constitution Bench of this Court in Secretary, State of Karnataka & Ors. Vs. Uma Devi & Ors. (2006) 4 SCC 1 and the judgment rendered by the High Court is not in accordance with law laid down in the aforesaid case. Learned counsel has further submitted that the award of the Labour Court dated June 2, 2003 passed in favour of the respondent was challenged by the appellants by filing C.W.P. No.13335 of 2005 and the High Court has stayed operation of the award by the order dated August 25, 2005.

4. Learned counsel for the respondent has submitted that the Government of Haryana has issued a policy dated October 1, 2003 for regularization of employees, whereunder the respondent is entitled to be regularized. Learned counsel for the appellants has not disputed the said fact, but has submitted that regularization of service can be done only in accordance with the conditions which are enumerated in the said policy but the respondent does not satisfy the conditions enumerated in the said policy.

5. Having considered the submissions made by learned counsel for the parties, we are of the opinion that the matter requires a fresh consideration by the High Court in the light of the decision referred to above and also the policy issued by the Government of Haryana.

6. The appeal is accordingly allowed and the judgment and order under challenge is set aside. The matter is remitted back to the High Court for a fresh decision of the writ petition. It is made clear that this Court is not expressing any opinion on the merits of the claim made by the respondent.