

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5041 OF 2015
(Arising out of SLP (C) No.7677 of 2013)

Ashok Kumar & Ors. ... Appellants

VERSUS

State of Haryana & Ors. ... Respondents

O R D E R

Leave granted.

The present appeal by special leave calls in question, the legal validity of the order dated September 28, 2012 passed by the Division Bench of High Court of Punjab and Haryana at Chandigarh in LPA No.205 of 2012 (O&M) whereby it has affirmed the order passed by the learned single Judge on 23.11.2011 in CWP No.5280 of 1987 (O&M) and other connected matters. The issue involved in this appeal relates to date of regularization. The admitted position is that the appellants have been regularized with effect from 1.4.1993.

Learned counsel for the appellants would submit that they should have been regularized from the date when the juniors were regularized. Learned counsel for the State would contend that they had been regularized as per the policy decision of the State from 1.4.1993. Be it noted, the High Court has accepted the stand of the State. The learned single Judge, while holding that they should be regularized from the date of policy decision, i.e. 1.4.1993, directed that the amount paid prior to that on the basis of the interim order passed by the Division Bench in LPA No.763/2002 should be recovered from the employees except those

who have already attained the age of superannuation. In the intra-court appeal, the Division Bench had declined to interfere.

It is apt to note here that on the first round of litigation, the learned single Judge, vide order dated 27.08.2001, had directed regularization from the date of appointment and the Division Bench, by interim order, had directed payment of salary. We are not inclined to disturb the date of regularization, as held by the learned single Judge as well as by the Division Bench. However, as far as the direction for refund is concerned, we are inclined to direct, regard being had to the special facts and circumstances of the case, that there should be no recovery from the appellants. If any amount has already been recovered, that need not be refunded. However, there shall be no further recovery.

With the aforesaid modification in the order of the High Court, the appeal stands disposed of. There shall be no order as to costs.

.....,J.
(Dipak Misra)

.....,J.
(Prafulla C. Pant)

New Delhi;
July 07.2015.

ITEM NO.45

COURT NO.5

SECTION IVB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 7677/2013

(Arising out of impugned final judgment and order dated 28/09/2012 in LPA No. 205/2012 in CWP No. 5280/1987 passed by the High Court Of Punjab & Haryana At Chandigarh)

ASHOK KUMAR & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(with interim relief and office report)

Date : 07/07/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Zakir Hussain, AOR
Mr. V.D. Khanna, Adv.

For Respondent(s) Dr. Monika Gusain, AOR
Ms. Geeta Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)