

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8930/2003

(From the judgement and order dated 30/05/2002 in CWP No. 8604/2002 of The  
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF HARYANA & ORS.

Petitioner(s)

VERSUS

BHAGWAN & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim relief and office report)(Fo  
r  
final disposal)

Date: 09/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s) M/s. Manjeet Singh,  
Hariksh Singh and  
T.V.George,Advs.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The Appeal is disposed of.

[SUMAN WADHWA]

[NEERU BALA VIJ]

COURT MASTER

COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007

(Arising out of SLP(C)No. 8930 of 2003)

STATE OF HARYANA & ORS.

.. APPELLANTS

vs.

BHAGWAN & ORS.

.. RESPONDENTS

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal is directed against the order passed by the Division Bench of High Court of Punjab and Haryana dated 30.5.2002 whereby the High Court has relied on a decision of

the Full Bench given in the case of Vijay Kumar and Others vs. State of Punjab 2002 SLR 695 and directed that the case of the appellant should be considered and an appropriate order be passed within four months from the date of the certified copy brought to the notice of the authority. Aggrieved by this order, the present appeal has been filed by the State of Haryana.

It is not necessary to give detailed facts. The respondents herein (petitioners) were appointed on purely daily wage basis on contractual basis on different dates. All

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the respondents had been given appointments on contractual basis on the terms and conditions mentioned therein. Respondents continued in the appointment but they could not be appointed regularly because there was no sanctioned post. The respondents then filed a writ petition in Punjab and Haryana High Court praying for grant of regular pay scale on the parity of regularly appointed person, High Court allowed the writ petition and directed to grant them pay scale as has been granted to other regular appointed workers. The High Court allowed the writ petition of these petitioners on the basis of Full Bench judgment and directed the same benefit. Aggrieved by the order the present appeal has been filed by the State of Haryana.

Learned counsel appearing for the State submitted that the Full Bench judgment has already been overruled by this Court in the case of State of Haryana and others vs. Charanjit Singh and Ors. etc.etc. reported in JT 2005 (12) SC 475 and all the cases have been remitted by this Court to be decided by the High Court. After this judgment further development is that Constitution Bench in case of Secretary, State of Karnataka and Others vs. Uma Devi & Ors. reported in 2006 (4) SCC 1 has held that irregular appointment can not be regularised. In this view of

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the matter we set aside the order of the High Court and remit this case back to the High Court to be decided in the light of the decision in the case of Charanjit Singh & Ors. (supra) and Uma Devi's case (supra).

The appeal is accordingly disposed of. No order as to costs.

.....J.

(A.K. MATHUR)

.....J.

(P.K. BALASUBRAMANYAN)

NEW DELHI;

FEBRUARY 9, 2007.