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ITEM No.205

Court No. 5

SECTION XV
A/N MATTER

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.9623/2000

(From the judgement and order dated 15/10/1999 in CWP 618/98
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

VIJAY KUMAR ARORA

Petitioner (s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent (s)

(With prayer for interim relief and office report)
(With Appln(s). for permission to file rejoinder affidavit)
(For Final Disposal)

Date : 08/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. Anant Vijay Palli, Adv.
Mr. Atul Sharma, Adv.
Mr. Sanjeev Mokkar, Adv.
Ms. Shubhra Singh, Adv.
Mrs.Rekha Palli,Adv.

For Respondent (s) Mr. Jagjit Singh, Adv.
Mr. R.S. Suri,Adv.

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

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Leave granted.

The appeal is allowed in terms of the signed
order.

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Charanjit

[Om Prakash]
Court Master

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..1975/2002@@
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(arising out of SLP(C) No. 9623/2000)

Vijay Kumar Arora .. Appellant

Vs.

State of Punjab & Ors. .. Respondents

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Leave granted.

The appellant had been serving on the establishment of the respondents on ad hoc basis and he sought for regularisation of services in Civil Writ Petition No. 5414/1986 and the High Court following its decision in Piara Singh & Anr. Vs. State of Haryana & Ors.- 1988 (4) SLR 739 directed that his services should be regularised. The order made in Piara Singh's case was carried to this Court by way of an appeal and this Court gave certain directions and that decision is reported in 1992(4)SCC 118 State of Haryana & Ors. Vs. Piara Singh & Ors.

Pursuant to the said order, a scheme has been framed by the respondents. Under the Scheme the appellant in order to become entitle for regularisation should have completed at least 10 years of service as on 31.8.1992.

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The contention putforth on behalf of the respondents is that it is on account of the interim orders granted by the Court that the appellant completes 10 years to become entitled to be considered but not otherwise. Fact remains that his writ petition had been allowed in C.W.P. No. 5415/1986 and subject to the result of the decision in the appeal filed by the State he was continued in service. That means he continued in his own right pursuant to the orders made by the High Court in the earlier case. In the circumstances, that entire period of his service should be included irrespective of the orders of the Court. If that is so, he becomes entitled to be d considered for regularisation of services. Let such action be taken by the respondents within a period of two months from today. The order made by the High Court is, therefore, set aside and the writ petition filed by the respondent is allowed in the terms stated above.

The appeal is allowed accordingly.

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[S. RAJENDRA BABU]@@
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[RUMA PAL]@@
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New Delhi,@@
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March 8, 2002
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