

ITEM NO.66

COURT NO.6

SECTION IVB

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).11150/2006

(From the judgement and order dated 01/08/2005 in CWP No. 17636/2003 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

REKHA RANI

Petitioner(s)

VERSUS

STATE OF HARYANA & ANR.

Respondent(s)

Date: 22/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s)

Mr. P. Jauhar, Adv.

Mr. S.S. Jauhar, Adv.

For Respondent(s)

Mr. Ajay Siwach, AAG

Mr.T.V.George, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard the parties.

Appeal is allowed in terms of the signed order.

(Ravi P. Verma)

(Anand Singh)

Court Master

Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 330 OF 2007

[Arising out of SLP(C) No.11150/2006]

REKHA RANI

APPELLANT

(S)

Versus

STATE OF HARYANA & ANR.

RESPONDENT

(S)

O R D E R

Leave granted.

Heard the parties.

By the impugned order dated 29/10/2003, the appellant's service was terminated alongwith Savita Devi, Savitri Devi, Sunita Rani and Rajkali w.e.f. 31/10/2003. Prior to the termination, they were serving as Lady Social Workers imparting training on adhoc basis.

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Savita Devi, Savitri Devi, Sunita Rani and Rajkali preferred Civil Writ Petition No.17567/2003. By an order dated 23/09/2005, the Division Bench of the High Court disposed of the writ petition, inter alia, that their services could not have been terminated as their services were to be regularised under the policy decision of the government dated 03/10/2003 holding that they have completed the requisite period of service. Situated as such, the High Court disposed of the writ petition directing the respondent to consider the case of the petitioners. Pursuant to the aforesaid direction of the High Court, the respondent authority considered the cases of the writ petitioners and as would appear in para 6 of the counter affidavit of the respondent that in compliance of the direction issued by the High court the services of the petitioners were regularised

w.e.f. 01/10/2003 vide order dated 13/01/2006.

The appellant Rekha Rani also preferred writ petition No.17636/2003 wherein the High Court dismissed the petition at the threshold holding that the Community Centre where the appellant was working has been closed. The order of termination was issued by the respondent. As already noticed, the petitioners in writ petition

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No.17567/2003 were working alongwith the present appellant on adhoc basis. They were terminated alongwith the present appellant w.e.f. 31/10/2003 on similar circumstances. The writ petition filed by them has been allowed whereas the writ petition No. 17636/2003 filed by the appellant herein was dismissed at the threshold on the ground that the Community Centre where the appellant was working was closed.

In our view, in the facts and circumstances as recited above, equal has been treated unequally. In view thereof, the impugned order of the High Court is not sustainable in law. It is, accordingly, set aside. This appeal is allowed. The respondents are directed to consider the case of the

appellant in line in which the cases of Savita Devi, Savitri Devi, Sunita Rani and Rajkali were considered in terms of the government policy and in terms of the direction passed by the High Court in writ petition No.17567/2003. We also clarify that this direction is confined to the writ petition No.17636/2003. We, further, make it clear that the incumbents who have not preferred any writ petition as in 2003 shall not be entitled to similar relief pursuant to the order of this Court which has been passed in the

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peculiar facts and circumstances of this case. In other words, this order shall not form a precedence.

Appeal is allowed in the above terms.

.....J.

(H.K. SEMA)

New Delhi;

.....J.

January 22, 2007.

(B. SUDERSHAN REDDY)