

No. 43/79/92-5GSI

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments and Commissioners of Ambala, Hisar, Rohtak and Gurgaon Divisions.
- (2) All Deputy Commissioners in the State.

Dated Chandigarh, the 6th November, 1992.

Subject :—Writ Petitions pending in the High Court in the wake of Piara Singh's case now decided by Supreme Court titled as State of Haryana Vs. Piara Singh decided on 12-8-92.

Sir,

I am directed to refer to the subject noted above and to state that the Division Bench of Punjab and Haryana High Court in CWP No. 72 of 1988-Piara Singh Vs. State of Haryana and others held that the services of any person who is working for one year whether as adhoc, casual labourer, daily wagers or against the workcharged establishment or against projects or seasonal work would be deemed to be regularised. The High Court also gave directions that no such person as has put in one year's service etc. shall be thrown out of job. As a consequence of this judgement, various writ petitions were filed from time to time with the result that many persons who had completed 240 days or about one year service were allowed to continue in service. The appeal against the judgement of the High Court was filed in the Supreme Court. The State Govt. also filed a scheme for regularisation of various categories of employees. The Supreme Court has set aside the judgement of the High Court vide its order dated 12-8-92 and has also commended the scheme filed by the State Govt. Detailed instructions in pursuance of the judgement of the Supreme Court are being issued separately.

2. It has come to the notice of the State Govt. that various cases are pending in the High Court in which petitioners have got stay orders in their favour and are continuing in their job on the basis of High Court's judgement in Piara Singh's case. These cases are now being disposed of by the Hon'ble High Court in pursuance of the judgement of the Supreme Court. In some of the cases which are pending in the High Court, the Hon'ble Judges are issuing notices of motion for filing the returns (Written statements). The Hon'ble Judges have also asked the Advocate General Haryana to get the returns filed immediately so that the case may be disposed of expeditiously. In view of this it is requested that after notices have been served upon, it should be ensured that returns are filed immediately and no delay is caused on this connection because if any delay is caused the persons who have been selected by the S.S.S. Board Haryana and are awaiting appointments will not get appointment till Services of the person who are not entitled to hold the post are dispensed with. Moreover, persons not entitled will continue in service.

3. In cases, where stays are operational but no fresh notices have been issued by the High Court, the departments should get stays vacated immediately.

4. The above may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

(Sd),

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana

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Dated Chandigarh, the 6-11-92.

A copy forwarded, to the Advocate General Haryana with reference to his D.O. No. 2119-H/AG, dated 28-10-92 for information.

Sd/-

Joint Secretary General Administration.