

Madan Singh And Ors. Etc. vs State Of Haryana And Ors. on 17 March, 1988

Equivalent citations: AIR1988SC2133, 1989LABLC41, (1988)IILLJ333SC, AIR 1988 SUPREME COURT 2133, (1988) 2 JT 13.3 (SC), 2006 (1) SCC 693, (1988) 2 LBLJ 333, 1988 2 JT 13 (3)

Bench: Ranganath Misra, Murari Mohon Dutt

JUDGMENT

1. Appeals are by special leave. The writ petition is under Article 32 of the Constitution. Special leave is granted in SLP No. 15118/86.

2. The facts and the questions for consideration by this Court in all these cases are common and, therefore, with this order all these cases shall stand disposed of.

3. Appellants in the appeals and the petitioners in the writ petition are employees in the work charged establishment of the Irrigation Branch of the Public Works Department of the Government of Haryana. It is not in dispute that they have been in employment for many years.

4. It is contended that termination of their services under executive instructions was not justifiable particularly when they had put in such a long period of service and while persons junior to them in such service have been retained. It has further been contended that while the services of all these appellants have been terminated fresh recruitment has been made almost simultaneously which goes to show that there was need for such service and there was, therefore, no justification for termination of services of the appellants.

5. Reliance is also placed on an order of this Court in Writ Petition Nos. 8307 to 8311 of 1983 disposed of on 17-12-1985, wherein in regard to similarly placed employees in the State of Karnataka this Court had directed their return to service.

6. These appeals had been heard finally on 9-12-87 and had been adjourned to enable counsel for the appellants to place fresh written submissions. Such submissions have been made today. We have taken into consideration the submissions made earlier and those in the written note now placed before us. We are of the view that in the circumstances, appearing in these case, there was no justification for termination of the services of the appellants and the petitioners in the respective proceedings before us. The State Government had come forward with orders from time to time for absorption of persons like the parties before us. Taking into consideration their continuous service, the benefit conferred under those Government orders are available to the appellants and, therefore, they are entitled to continue in service. Reliance has been placed on the Karnataka Case (WP Nos. 8307-11/83, Dharwal Distt. v. State of Karnataka dated 17-12-1985). Taking all facts and circumstances into consideration, we direct that these appeals and the writ petition shall stand

allowed with the direction to the State of Haryana to restore these appellants and petitioners to service as to confer upon them the benefit indicated in the Government order for regularisation of their services. Those of the parties who report to duty within two months hence shall be entitled to the advantage of this order and the respondent-State is directed to confer the benefit available to them as directed above within six months from now. So far as the period they are out of employment is concerned, they would not be entitled to any benefit. No costs.