

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Writ Petition No.13256 of 2016 (O&M)
Date of Decision: 16.11.2016**

Seema Monga

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.K.Arora, Advocate for the petitioner.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab
for the respondents/State assisted by
Sh. Lakhbir Singh and Sh. Sohan Singh, Superintendents.

JASWANT SINGH, J. (Oral)

The petitioner was appointed as Clerk in the Department of Power in the regular pay scale of Rs.950-1800 on contract basis/89 days w.e.f. 22.11.1997 on the recommendations of the Employment Exchange.

The grievance of the petitioner is that her case for regularization of her services in terms of the Regularization Policy dated 23.01.2001 (**Annexure P-3**) was not considered at the relevant time and was subsequently rejected, vide impugned order dated 02.05.2016 (**Annexure P-27**) in the light of the subsequent Policy dated 15.12.2006 (**Annexure P-4**) having withdrawn the earlier Regularization Policy dated 23.01.2001 (**P-3**).

On the previous date of hearing i.e. 06.10.2016, the following order was passed:-

“ Case of the petitioner is that she was working as a
Clerk on 89 days basis w.e.f. 22.11.1997 in the office of The

Chief Electrical Inspector,Punjab-respondent no.2 and was denied even a consideration in terms of the regularization policy dated 23.1.2001 on the ground that 89 days basis appointment was not a contract appointment although in the true spirit of the policy the petitioner was fully covered and entitled for regularization under the policy dated 23.1.2001.

It is contended that although the policy stood superseded by the subsequent policy dated 15.12.2006, however, the petitioner was/is entitled for consideration at the relevant time in terms of the then existing policy.

The argument on behalf of the petitioner is absolutely legal and valid. It cannot be understood as to how the respondent-State in their reply are asserting that the petitioner was/is not entitled to consideration for regularization of her service under the policy dated 23.1.2001. It depicts a lack of basic understanding of the issue.

In view of the above, Secretary,Government of Punjab, Department of Power (Energy Branch)Punjab,Chandigarh is directed to re-look into the claim of the petitioner and apprise the Court on the next date of hearing.

List on 11.11.2016. ”

At the time of hearing today, learned State Counsel, assisted by Sh. Lakhbir Singh and Sh. Sohan Singh, Superintendents, has placed on record an order dated 15.11.2016, whereby the services of the petitioner as Clerk in the Department have been regularized under the Regularization Policy dated 23.01.2001.

Learned Counsel for the petitioner submits that as the petitioner fulfilled the condition of three years service on the date of the issuance of the Instructions, therefore, she is entitled to be regularized w.e.f. 23.01.2001 with all consequential benefits. He, however, concedes that as far as regular pay scale revised periodically, the petitioner has been drawing the benefit of the same.

In response, learned State Counsel is unable to controvert the fact of entitlement of regularization w.e.f. 23.01.2001, especially in terms of no bar in the order dated 15.11.2016.

In view of the above, the present petition is allowed and the impugned order dated 02.05.2016 (P-27) is set aside. The petitioner is held to be entitled to the benefits of regularization w.e.f. 23.01.2001. All the consequential benefits shall be released to the petitioner within six months from today.

Disposed of in the above terms.

November 16, 2016

Gagan

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No