

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

LPA No.805 of 2016 (O&M)

Date of Decision : 13.5.2016

Shri Mata Mansa Devi Shrine Board
and another

....Appellants

Versus

Parveen Kumar and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MRS.JUSTICE LISA GILL

....

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

...

Present: Mr.Vishal Garg, Advocate
for the appellants.

.....

MAHESH GROVER.J.

The appellant are aggrieved of the judgment of the learned Single Judge dated 17.3.2016.

Approvingly, acknowledging the fact of regularisation in favour of respondents, the State vide its order dated 28.4.2015 granted the benefit of regularisation to the respondents in terms of the policies existing envisaging conferment of such a benefit to employees who had completed three years of service as on 28.5.2014 and were still in service on the said date. While passing the order the appointment/regularisation was made subject to the outcome of the review, if any, being made by the Government in the said policy dated 18.6.2014. It is pertinent to notice here that the policy of 18.6.2014 is

the one envisaging conferment of benefit of regularisation to employees as per the dates also noticed above.

In the present appeal an attempt has been made to say that the policy of 18.6.2014 was decided to be kept in abeyance by the Council of Ministers in the meeting held on 5.11.2014. It is the conceded case of the appellants that so far no such review has been made. If that is so, then we are clearly of the opinion that the present appeal is totally misconceived. Firstly, the benefit of regularisation itself is subject to the outcome of a review of the policy dated 18.6.2014 and secondly, the Government itself regularised the service despite the process of review and even otherwise the State cannot be permitted to sleep over the matter for an inordinate period to deprive the benefits which are legitimately due to the employees who while working on ad hoc basis constantly lives under the fear of either termination or deprivation of the benefit of regular pay scales to which they are entitled to.

We do not find thus any reason to interfere in the instant appeal which is dismissed.

Marginal delay of 22 days in filing the appeal is however condoned.

(MAHESH GROVER)
JUDGE

13.5.2016
dss

(LISA GILL)
JUDGE