

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

**CWP No. 11256 of 2014
Date of Decision: 23.02.2017**

Paramjit Kaur & Another

...Petitioners

Versus

State of Punjab & Others

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajesh Verma, Advocate for
Mr. Neeraj Sharma, Advocate for the petitioners.

Mr. Pankaj Mulwani, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed seeking a three fold prayer i.e. for grant of compassionate appointment on account of the death of the govt. servant Harjit Singh who died in harness; a direction to the respondents to notionally regularize the services of the husband (deceased employee) of the petitioner No. 1 with effect from the date the services of the juniors were regularized and thirdly to grant family pension and pensionary benefits to petitioner No. 1 who is the widow of Late Harjit Singh.

Notice of motion was issued in the present case and a short reply by way of counter affidavit of the Executive Engineer, Quarry Division, SYL Canal Project has been filed in which it is stated that petitioner No. 2, the son of the deceased employee and petitioner No. 1, has been appointed as Junior Draftsman on compassionate grounds and appointment letter dated 23.01.2015 has already been issued to him. As regards the grievance to regularize the services of Late Harjit Singh, the

Department, treating his case as a special case, has regularized his services w.e.f. 01.01.2009 and in this regard a letter dated 31.10.2014 has already been issued. It is further submitted in the said affidavit that the retiral benefits, i.e. leave encashment amounting to Rs. 1,61,530/-, has been paid to the legal heirs. As regards the retiral benefits, in the affidavit it is submitted that as the husband of the petitioner No. 1 died on 09.01.2009, as per instructions dated 23.02.2012 issued by the State Government, he would be covered under the new contributory pension scheme.

Counsel for the respondents-State submits that the matter can be disposed of as having been rendered infructuous.

Counsel for the petitioner brings to the notice of Court that the deceased govt. employee, who had joined as Supervisor in SYL Irrigation Department on 28.08.1986 on Work Charge basis, would be entitled to claim the benefit of having worked on Work Charge basis and, therefore, the regularization of his services from 01.01.2009 is unsustainable.

In view of the fact that letter 31.10.2014 has been issued regularizing the services of the deceased employee w.e.f. 01.01.2009 while not considering the judgment rendered by a Division Bench of this Court in ***CWP No. 2371 of 2010 titled as Harbans Lal vs. State of Punjab and others***, decided on 31.08.2010, this writ petition is being disposed of by giving liberty to the petitioner herein to challenge the date of regularization that has been fixed, vide letter dated 31.10.2014 and to claim further benefits if so available.

February 23, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No