

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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CWP No. 10404 of 2017

Date of decision: 16.05.2017

Neelam Rani

...PETITIONER

VS.

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Inderjit Sharma, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner was initially appointed as Work-person/Ward Attendant in April, 1990 on monthly wages. Her services were terminated on 06.07.1999, which order of termination was challenged by the petitioner. Labour Court, Bathinda, vide its Award dated 15.05.2008 (Annexure P-1), held the termination of the services of the petitioner to be illegal and ordered reinstatement in service with continuity thereof and 40% back wages. In pursuance to the said Award passed by the Labour Court, Bathinda, petitioner was reinstated in service. In the light of the fact that the petitioner has been granted the continuity of service, her services were regularized on 25.11.2008 on the post of Ward Attendant. Although the petitioner has been reinstated and granted the benefit of regularization w.e.f. 25.11.2008 but she is not being treated as an employee to be covered under the General Provident Fund Scheme in the light of the fact that her services

have been regularized after 01.01.2004, the cut off date, as per the New Contributory Provident Fund Scheme. This, the counsel for the petitioner submits, is not sustainable as the petitioner is entitled to be treated as an employee to be covered under the General Provident Fund Scheme as per the Division Bench judgment passed by this Court in CWP No. 2371 of 2010 titled as Harbans Lal vs. The State of Punjab and others decided on 31.08.2010. He further states that the claim of the petitioner is covered by the judgment of this Court in CWP No. 842 of 2013 titled as Usha Rani vs. State of Punjab and others, decided on 09.02.2015.

Claiming the said benefit for allotment of the General Provident Fund Account Number instead of the Contributory Fund Account Number, a representation dated 05.03.2015 (Annexure P-2) was filed to the Senior Medical Officer, Primary Health Centre, Jandwala, District Ferozepur-respondent No. 4 with copies to the Director, Health and Family Welfare Department, Punjab-respondent No. 2 as also the Civil Surgeon, Civil Hospital, Ferozepur-respondent No. 3. When nothing was heard from the respondents, a notice through counsel dated 14.03.2017 (Annexure P-3) has also been served upon respondents No. 2 to 4 but without any response thereto except for a communication dated 11.04.2017 (Annexure P-4) sent by the Senior Medical Officer-respondent No. 4 to the higher authorities for sanction after completing all the formalities.

Counsel for the petitioner submits that the petitioner, at this stage, would be satisfied if a direction is issued to The Director, Health and Family Welfare Department, Punjab-respondent No. 2 to consider and decide the legal notice dated 14.03.2017 (Annexure P-3) within some specified time.

In the light of the submissions made by the counsel for the petitioner, without going into the merits of the case or commenting thereon, the present petition is disposed of with a direction to The Director, Health and Family Welfare Department, Punjab-respondent No. 2 to consider and decide the legal notice dated 14.03.2017 (Annexure P-3) within a period of two months from the date of submission of copy of this order.

In case the claim of the petitioner is not to be accepted, a well-reasoned speaking order be passed and conveyed to her forthwith.

May 16, 2017
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No