

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.16203 of 2016

Date of Decision:-06.04.2017

Sunita.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Jaideep Verma, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Prayer in the present petition is for quashing of the order dated 13.06.2016 (P-19) passed by respondent nos.3 & 4 whereby the request of the petitioner to regularize her services as a sweeper has been declined.

Learned Counsel for the petitioner has argued that the petitioner has been working continuously since 2002 in Nankana Sahib Public School, Ludhiana which is being run by respondent nos.3 & 4 to the entire satisfaction of the school authorities. However, her services have not been regularized although the services of her juniors i.e. respondent no.5 to 16 have been regularized and, therefore, he has prayed that the petitioner is also entitled for regularization of her services. However, respondent nos.3 & 4 vide the impugned order have wrongly declined the request for regularization with a malafide intention and, therefore, prayer has been made for setting aside the impugned order dated 13.06.2016 and further

prayer has been made for regularizing the service of the petitioner.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition deserves to be dismissed.

Perusal of the impugned order/letter dated 13.06.2016 (**P-19**) would reveal that respondent nos.3 & 4 are unaided private institute and it is an admitted fact that the petitioner was appointed as a Sweeper in the School hostel which was run in a cooperative manner amongst the school and students under no profit nor loss. It is also an admitted fact that the petitioner was working purely on contract basis and after sometime, the school authorities had stopped running the hostel facility in the school which consequently resulted in all the employees working in the school hostel being declared as Surplus. However, the school authorities as well as the respondent no.3-Trust took a conscious decision not to retrench the services of the employees and they were consequently adjusted in other institutions run by the Trust as per the previous terms and conditions i.e. on purely contractual basis. It is further apparent that the petitioner has been called a number of times by the respondent no.3 & 4 to join the duty and accept the demand draft prepared by them, however, for the reasons best known to her, she did not come present. Instead she raised the demand of being regularized. This act and conduct of the petitioner does not entitle her for grant of any relief, especially when she has been adjusted in other institution, being surplus.

There is another aspect to this case. Vide letter dated 14.08.2015 addressed by the petitioner to the Director, Managing Committee, Secretary and Principal of Nankana Sahib Public School, the

petitioner had herself submitted a representation to join the duty in continuation of earlier service. Thus, the petitioner is estopped by her own act and conduct.

As far as the argument of the petitioner that respondent nos.5 to 16 have been regularized there is no material on record to substantiate this plea. Hence, without their being any prima facie document to support his contention, the petitioner cannot be permitted to raise a bald plea.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

April 06, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>