

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

Date of decision:23.01.2017

Jaswinder Kaur

.....Petitioner

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.PS Khurana,Advocate for the petitioner.

Jaswant Singh,J(Oral)

Petitioner is stated to be working as a Sweeper at Zira since 23.9.1997 against a permanent post and her services were illegally terminated w.e.f. 30.12.1998. The Labour Court vide award dated 7.12.2001 decided the reference and ordered that petitioner be reinstated with continuity of service and 50% backwages. The award was upheld by a Division Bench of this Court vide order dated 17.5.2002 while dismissing CWP 7778/2002 of the respondent department challenging the award of the Labour Court.

By filing present writ petition, petitioner is seeking a mandamus for (i) grant of regular pay scale and other allowances w.e.f. 10.6.2003 i.e. from the date when her services have been regularized alongwith arrears and (ii) claiming applicability of earlier Pension Scheme being an appointee prior to 1.1.2004 and thus seeking quashing of the condition of new Contributory Pension Scheme in the order dated 27.3.2012 (P-8).

From the examination of the award it is apparent that no order

qua regularization was passed nor any order has been placed on record to show that any order was actually passed regularizing the services of the petitioner w.e.f. 10.6.2003 or in the light of orders dated 22.3.2012 passed by Civil Surgeon, Ferozepur at P-8.

This Court had directed the petitioner to place on record a copy of the Memo dated 3.4.2003 passed by the Principal Secretary, Health and Family Welfare, Punjab as also the alleged order of regularization dated 10.6.2003. The needful has not been done till today.

At the time of hearing, learned counsel for the petitioner prays for permission to withdraw the present petition as the necessary documents are yet to be obtained under the Right to Information Act.

Dismissed as withdrawn at this stage.

23.01.2017
joshi

(Jaswant Singh)
Judge

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