

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

CWP No. 19697 of 2016 (O&M)

Date of decision: 15.03.2017

Darshana Devi

...Petitioner

Versus

Town Improvement Trust, Faridkot and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ravish Bansal, Advocate,
for the petitioner.

Mr. Sandeep Khunger, Advocate,
for respondent Nos. 1 & 2.

Mr. L.S.Virk, Addl. A.G., Punjab
for respondent No.3.

JAISHREE THAKUR, J. (ORAL)

CM-3916-CWP-2017

Additional affidavit of the petitioner along with Annexures P-8
to P-10 has been filed in Court and the same is taken on record.

CM stands allowed.

CWP No. 19697 of 2016

The instant writ petition has been filed seeking to challenge the
order dated 31.08.2016 (Annexure P-6) by which the petitioner has been
retired from service on attaining the age of 60 years.

It is contended that the petitioner herein who is a Class-IV
employee (Sweeper) had sought extension in service as per the Punjab
Government policy dated 08.10.2012 and in fact the extension was already
sanctioned by the respondents by its resolution No. 48 dated 28.06.2016. It

is argued that despite the said resolution and recommendation of the

Chairman, the petitioner's services came to an end on 31.08.2016 without any extension being given to her.

Learned counsel appearing on behalf of the petitioner contends that the petitioner is a widow and her only source of income would be through the services that she is rendering with the department and once the Chairman had taken a decision to extend her services the same ought to have been considered in its true perspective.

Per contra, Mr. Khunger learned counsel appearing on behalf of the Trust vehemently argues that the resolution passed by which it had been decided to grant extension to the petitioner was subject to final approval by the Government which was never accorded. In fact, subsequently resolution No. 96 dated 15.11.2016 was passed by the Trust in which it was unanimously decided not to grant extension of service to Smt. Darshana Devi – petitioner, and this resolution was approved on 16.12.2016. A further argument has been raised that the extension policy of the State Government is not applicable to the respondents in view of the fact that the Trust is an autonomous body and is under huge financial liability.

I have heard learned counsel for the parties and also take note of the argument raised by learned counsel for the petitioner that services of a Sweeper are always required in the department, the case of the petitioner should be considered sympathetically.

Learned counsel for the petitioner submits that the instant writ petition may be disposed of by giving a direction to the respondents herein to consider the case of the petitioner in case she can be adjusted, the same should be done.

Keeping in view that the petitioner herein is a widow and there is a policy to grant extension to those in service, let the matter be placed before the house of the respondent-Trust to reconsider the case of the petitioner sympathetically and in case there is any possibility of adjusting her, the same may be done. Let a decision be taken expeditiously, preferably, within a period of two months of receipt of certified copy of this order.

The writ petition stands disposed of accordingly.

15.03.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.