

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

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**CWP-2744-2016(O&M)
Decided on 15.02.2017**

SMT. SHAKUNTLA DEVI

....PETITIONER

VS

STATE OF HARYANA & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. S.N.Yadav, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

AJAY TEWARI, J.(Oral)

CM-10692-2016

This is an application for bringing on record the L.Rs of the petitioner (now-deceased).

Application stands allowed and L.Rs mentioned in para No.2 of the application are brought on record.

MAIN CASE

By this petition the petitioner claim has been made for regularization of the services of Smt. Shakuntla Devi (who has since died and is now represented through her legal representative).

The admitted case is that post of part time sweeper was advertised in the year 1989 and Smt. Shakuntla Devi was appointed in a public selection. In the month of September 2015, the respondent had regularized the services of 157 part time employees like Smt. Shakuntla Devi but her name was missing from that list. In the reply it is stated that initially the case of regularization of the services of the petitioner could

not be effectuated because she did not have any proof of her date of birth.

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When she was directed to submit some evidence she appeared before Civil Surgeon, Jhajjar who opined that she was born in the year 1965 and consequently she was asked to demit office on 28.10.2015 at the age of 60 years. It is because of this confusion that her name did not find mention in the list of 157 similarly situated employees whose services were regularized in September 2015.

In my opinion, this is no ground (at least now) to deny relief to her.

Learned Addl. AG then points out that policy of regularization of 2014 has been stayed by this Court. This argument will also not suffice because now the jurisprudential premises on which the petitioner is seeking regularization on her services is not Policy A or Policy B but the ground of discrimination.

Consequently the petition is allowed and respondents are directed to regularize services of the petitioner in the same terms as 157 similarly situated employees. After the superannuation of Smt. Shakuntla Devi only monetary benefits can be granted to her. Let same be worked out and handed over to legal representatives within a period of 03 months from the date of receipt of a certified copy of this order failing which the petitioner would be entitled to claim interest @ 12 % per annum on the amount/s from the date/s it fell due.

15.02.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No