

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1171 of 2016 (O&M)

Date of Decision: April 05, 2017

Dr.Harpreet Kaur

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Arun Gosain, Advocate, for the appellant.

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Surya Kant, J. (Oral)

The appellant was appointed as Medical Officer (Dental) directly by the Punjab Health System Corporation vide order dated 02.08.2004 (date wrongly mentioned in Annexure P-1 as 07.09.2007), on “outsourcing” basis. The order is addressed to the Civil Surgeon, Gurdaspur. No private 'service provider' is mentioned therein. The expression “outsourcing” was thus apparently inserted to create an expression as if the appellant was not directly appointed by the Corporation. She is continuously working on the said post. She approached this Court to claim regular pay-scale but the learned Single Judge has turned down the claim on the plea that she was appointed on contract basis through outsourcing.

The appellant has been though appointed on contract basis but not through 'outsourcing'. Learned counsel for the appellant submits that after the decision of the learned Single Judge, the State of Punjab has enacted “The Punjab Adhoc, Daily Wage, Temporary Work-charged & Outsource Welfare Act, 2016” whereunder the appellant is entitled to seek

regularization of her services. He further contends that in view of the latest decision of the Hon'ble Supreme Court in State of Punjab and others versus Jagjit Singh and others, 2017 (1) SCC 148, the appellant is entitled to regular pay-scale also.

Since the above-stated two contentions are subsequent events, learned counsel seeks to withdraw this appeal with liberty to approach the authorities to grant the appellant necessary relief under the above-stated Act and/or in compliance to the dictum of the Hon'ble Supreme Court in Jagjit Singh and others' case (supra). We thus dispose of this appeal with a direction to the respondent authorities to consider the above-mentioned claim of the appellant regardless of dismissal of her writ petition by the learned Single Judge.

An appropriate order to this effect be passed within a period of four months from the date of receiving a certified copy of this order.

[SURYA KANT]
JUDGE

April 05, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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