

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

CWP-25673-2015

Date of decision: 26.2.2018

Surinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.HK Aurora, Advocate for the petitioner

Ms.Monica Chhibber Sharma, Sr.DAG, Punjab

JITENDRA CHAUHAN, J.

The present writ petition under Article 226 of the Constitution of India has been filed for issuance of direction to the respondents to regularize the services of the petitioner, who is working as a class-IV part time sweeper.

The brief facts of the case are that the petitioner was appointed as a part time sweeper on 1.1.1982. Since, then she is continuously discharging her duties in the office of respondent No.4- Divisional Forest Officer, Garhshankar. She has worked for more than 33 years as a part time worker.

It is contended that the petitioner is working in the office of respondent No.4 for the last more than 33 years as a part time worker. The State of Punjab, Government of Personnel framed a policy dated 4.3.1999 (Annexure P-1), wherein it was provided that the services of part time workers, who have completed 10 years or more should be considered for

regular appointment in the concerned department. Despite that the services of the petitioner were not regularized. However, services of one Angoori Devi, who was appointed by the respondents as part time sweeper in the year 1992 i.e. after the appointment of the petitioner, were regularized in view of the said policy. The case of the petitioner was rejected by respondent No.4 only on the ground that it is not covered under the policy dated 4.3.1999 (Annexure P-1), as she was not appointed as part time sweeper through newspaper advertisement.

On the other hand, learned State counsel submits that the case of the petitioner is not covered under the policy for regularization of the services of the part time employees, as there is no record of her appointment.

Heard.

Para No.2 of Policy bearing No.11/15/98-4PP3/2803 dated 4.3.1999 (Annexure P1) issued by the Department of Personnel, Government Punjab State is reproduced hereunder:-

“2. After thorough consideration, Govt. has decided to formulate a policy for the regularization of the services of part-time workers as follows:-

(A) the part-time workers, who have worked for 10 years or more will be considered for regular appointment in the concerned department and in the concerned district against 25% Class IV vacancies which will become available hereafter subject to the following:-

(i) that during the tenure of their employment on part time basis for 10 years or more, their presence on duty should have been minimum 80%;

(ii) that they fulfil the qualification for the new job as prescribed under the rules at the time of their consideration for regularization;

(iii) that they will be entitled to relaxation in upper age limit upto the number of years they have served as part time workers;

(iv) that they had been appointed initially on part time basis through employment exchange or through open advertisement in the press; and

(v) that they are otherwise found suitable for the job.

(B) Each department will constitute a screening committee for completing the exercise for regularization of the services of such part time workers, who are eligible for regularization against the class IV vacancies available in the department.

(C) In the cases where there is a requirement for creation of a full time regular post but work is now being done by a part-time worker, the case will be referred to Finance Department for creation of a regular post. For this, the initial recommendation will be made by the Screening Committee to the Secretary of the Department who in turn will seek the approval of Finance Department/ Council of Ministers, as the requirement may be.

(D) To ensure that part time workers working in the different departments in the State are paid wages at uniform rates, Labour Commissioner shall fix the rates for such part time workers keeping in view the quantum and quality with the approval of the Finance Department from year to year.”

In para No.2 of the reply, the respondents have admitted that the petitioner was working as a part time sweeper since 1.1.1982. In Para

No.6, it is further admitted that one Angoori Devi was working as part time sweeper from the year 1992 onwards and her services were regularized by the State Government, however, case of the petitioner, who was appointed in the year 1982, prior to said Angoori Devi, was rejected. The case of the petitioner is fully covered under the Policy dated 4.3.1999 (Annexure P-1) issued by the Government of Punjab. Accordingly, the present petition is allowed and the respondents are directed to regularize the services of the petitioner as per the said policy.

26.2.2018

gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?**Yes / No****Whether reportable?****Yes / No**