

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1133 of 2018 (O&M)
Date of Decision :26.07.2018

State of Haryana and others

.....Appellants

Versus

Indu Bala

..... Respondent

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present: Mr. Deepak Balyan, Addl. A.G. Haryana.

ARUN PALLI, J.:

This is an *intra court* appeal under clause-X of the Letters Patent, against an order and judgment dated 13.01.2017, rendered by the learned Single Judge, vide which, the writ petition preferred by the respondent, had since been allowed and the appellants were directed to regularize her services w.e.f. 07.07.1995, as Gram Sevika and compute her entire service as Craft Teacher w.e.f. 10.12.1975, and the services rendered by her as Gram Sevika, for granting pension and other admissible benefits.

In brief, the case set out by the respondent has been that she was initially appointed as Craft Teacher on *ad hoc* basis in Panchayat Samiti, Narnaul on 10.12.1975. Her services were regularized w.e.f. 22.11.1982. Subsequently, after giving relaxation in age, vide order dated 7.7.1995, she was appointed as Gram Sevika on *ad hoc* basis in the same department i.e. Rural Development and Panchayat. For, the Government had taken a decision to regularize the services of those Gram Sevikas, who were initially employed with the other local bodies, a regularization policy dated 01.10.2003 was enacted and the applications/claims of the eligible

employees were requisitioned. Although, services of the other Gram Sevikas who too were identically placed as the respondent were regularized under the 2003 policy, but the claim of the respondent was ignored for some intangible reasons. Thus, vide representation dated 28.08.2009, she represented to the appellants and prayed that her services too be regularized immediately. But to no avail. Later, vide order dated 25.02.2008, the respondent was transferred to District Rural Development Agency (DRDA), Rohtak, and from where she eventually retired on attaining the age of superannuation on 31.08.2010, as *ad hoc* Gram Sevika. For, she was neither granted pension nor the other pensionary benefits. She approached this Court vide Civil Writ Petition No.10684 of 2012, which was disposed of vide order dated 30.05.2012, requiring the appellants to consider her claim and take appropriate decision. But, as vide order dated 8.8.2012, the appellants rejected her claim, she again approached this Court assailing the said order and prayed for a direction to command the respondents to sanction her pension w.e.f. 31.08.2010. The petition, as indicated above, that has since been allowed.

In the written statement filed by the appellants-respondents it was not disputed that pursuant to the regularization policy dated 1.10.2003, the State government had taken a decision to regularize the services of those Gram Sevikas who were earlier employed with the other local bodies. However, since no such proposal was received as regards the respondent from the District Rural Development Agency, Sonapat, where she was posted, her claim could not be considered. And, for, she was employed on *ad hoc* basis and retired as such on 31.08.2010, in terms of Civil Services

Rules, an *ad hoc* employee was not entitled for pension. In any case, vide letter dated 25.04.2007, the Government had withdrawn the regularization policy dated 1.10.2003, and therefore, her claim for regularization of her services under the said policy could no longer be considered.

We have heard the learned state counsel and perused the records.

Indisputably, the respondent was initially appointed as Craft Teacher on *ad hoc* basis on 10.12.1975, and her services were regularized on 22.11.1982. Owing to the closure of Panchayat Samiti Services she was employed as Gram Sevika in a regular pay scale of Rs.950-20.1200-25-1500 in the same department, but on *ad hoc* basis. Being cognizant of the fact that those employees who were in regular service with the local bodies, but were appointed as Gram Sevikas on *ad hoc* basis, the Government by a conscious decision sought to regularize their services, and enacted a regularization policy dated 1.10.2003. It is not in dispute either that services of the other Gram Sevikas, who were identically situated and circumstanced as the respondent, were regularized under the said policy. Significantly, this has also not been the case of the State at any stage that as the respondent lacked eligibility in terms of the 2003 policy her services could not be regularized. The only reason assigned by the appellants is that since the proposal in respect of respondent was not forwarded by the District Rural Development Agency (DRDA), Sonapat, where she was posted, her claim could not be considered. *Ex facie*, even the department remained insensitive qua the rights and interest of the respondent, for, being seized of the requisite data and records even it could requisition the

proposal or the claim of the respondent from DRDA, Sonapat, to meet the purpose for which 2003 policy was enacted. Thus, in the given situation, the appellants could not be the beneficiaries on their own wrong and deprive the respondent of the benefits she was legitimately entitled to. We are reminded to point out at this juncture that before the respondent was employed as Gram Sevika on *ad hoc* basis in the year 1995, she had already rendered 13 years of regular service as a Craft Teacher in the same department. But as she retired as *ad hoc* Gram Sevika on 31.08.2010, even her previous regular service was rendered inconsequential. The argument that the regularization policy dated 1.10.2003, was subsequently withdrawn by the Government pursuant to a letter dated 25.04.2007, would also not advance the case of the appellants a bit. For, as indicated above, as per the case of the appellants itself the respondent was fully eligible, and rather ought to have been regularized along with other Gram Sevikas. On being pointedly asked, learned State counsel could not point out anything from record to show if the conclusion arrived at by the learned Single Judge was either contrary to the record or suffered from any material illegality. That being so, we are dissuaded to interfere with the impugned order and judgment.

The appeal being devoid of merit is accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.07.2018

Manoj Bhutani

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