

**245 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.1942 of 2016.

Date of Decision: 01.04.2019

Dalbir Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. G.S. Bal, Sr. Advocate with
Ms. Gursimran Kaur, Advocate,
for the petitioner.

Ms. Kanica Sachdeva, AAG Punjab.

JITENDRA CHAUHAN J.

The petitioner seeks quashing of order dated 03.09.2015 (Annexure P-4) issued by respondent No.4 vide which the claim of the petitioner for appointment as Lady Constable was declined.

The late husband of the petitioner, Sh. Sarabjit Singh No.428/Batala after rendering seven years service in Punjab Home Guards was recruited as Special Police Officer on 22.02.1994. In pursuance of the litigation, a decision was taken to recruit 50% Constables in Punjab Police from out of eligible SPOs. Name of husband of the petitioner appeared at Sr.1174 out of total 2121 SPOs short-listed for adjustment as Constables.

Before joining as Constable, the husband of the petitioner met with an accident and he died on 28.07.2007 whereas, SPOs selected with him had joined as Constables. The petitioner applied for grant of compassionate appointment but her claim was not being

considered. She filed CWP No. 8440 of 2009 seeking compassionate appointment and a direction was issued to the respondents to consider her claim. However, her claim was rejected by the respondents vide order dated 19.06.2010. She challenged the said order in CWP No.1731 of 2011 in which order dated 19.06.2010 was quashed vide judgment dated 10.01.2012 (Annexure P-1) and respondents were directed to consider the claim of the petitioner for compassionate appointment on a suitable post as per her academic qualifications ignoring the fact that her husband was not a regular constable.

Consequently, vide appointment order dated 06.09.2012 (Annexure P-5), the petitioner was appointed as Class-IV Contingent Paid Employee-Cook and she is being paid at DC rates. At that point of time her qualification was 8th standard only. She improved her qualification and passed Matriculation Examination from Punjab School Education Board and requested the respondents to adjust her as a Constable on regular basis. However, her claim was declined.

On 03.03.2016, following order was passed by this Court:-

“Senior counsel for the petitioner submits that he restricts his relief to the extent that though the petitioner has been given an appointment as Class IV (contingent paid post) whole time cook, however, the salary is at the rate fixed by the D.C., Gurdaspur from time to time. It is submitted that a fixed salary of Rs.8,600/- per month is being paid without any allowances or amenities and, therefore, the order directing appointment on compassionate grounds is not being complied with in its letter and spirit.

Notice of motion on the limited aspect only for 04.07.2016.”

Upon notice, the respondents have filed written statement

pleading that since the husband of the petitioner was not a regular

Constable, the petitioner is not entitled to compassionate appointment and was rightly appointed as Class-IV employee.

However, by way of replication, the petitioner has placed on record order dated 03.01.2017 (Annexure P-6) whereby 11 similarly situated persons appointed after the appointment of the petitioner have been regularised on completion of three years' of service as Class-IV employee. There is no denial to order dated 03.01.2017 (Annexure P-6). The petitioner being similarly situated needs to be treated similarly.

In view of above, the present petition is disposed of. The respondents are directed to regularize the services of the petitioner with effect from 06.09.2015, the date on which she completed three years' service, as has been done in the case of other employees reflected in order dated 03.01.2017 (Annexure P-6). The necessary exercise be completed within a period of two months from the date of receipt of certified copy of the judgment.

01.04.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

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