

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

CWP No.4211 of 2015.

Date of Decision: 23.05.2019

Triveni Pandit

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. Hitesh Kumar Sammi, Advocate,
for the petitioner.

Ms. Gunkirat Kaur, AAG Punjab.

JITENDRA CHAUHAN J.

By way of present civil writ petition, the petitioner has sought direction to the respondents to regularize his services with effect from 04.03.1997 and to grant regular Punjab Government Pay scale to him on the basis of his appointment order dated 04.03.1997 (Annexure P-1).

It is contended that the petitioner was appointed as Class IV employee in the 4th Indian Reserve Battalion, Jalandhar, vide appointment letter dated 04.03.1997 (Annexure P-1). He was subjected to medical examination and was found to be medically fit for any duty/job, vide Annexure P-2. It is contended that pursuant to his appointment, petitioner joined the department and is serving for the last 18 years. So much so, DGP, Punjab, Chandigarh vide order No.7394-7408/E-3(2) dated 12.07.2014, accorded sanction for regularization of services of daily wages workers/Class IV employees

against vacant regular posts. However, subsequently vide a fax message dated 15.07.2014, sanction was withdrawn as regards the employees, who did not fulfill the condition of completion of 10 years service/part time service. It is contended that since the petitioner was appointed as back as on 04.03.1997, and had more than 18 years of service to his credit, his claim for consideration could not be ignored.

On the other hand, on behalf of the respondents, it is contended that the petitioner was appointed as Class IV employee, vide order dated 04.03.1997 (Annexure P-1). In the year 2000, when he was working as Malli in the office of Deputy Inspector, General/Training and Operation, Indian Reserve Battalion Tac. Headquarter, Sector 24, Chandigarh, he absented himself willfully from his duties without permission of his superior officer. He was dismissed from service with effect from 22.01.2000 vide order dated 22.01.2000. In compliance of the order dated 03.12.2002 (Annexure P-5) passed in CWP No. 3978 of 2000, the petitioner was reinstated in service from 18.12.2002 and his dismissal period from 17.01.2000 to 22.01.2000 and the period from 23.01.2000 to 18.12.2002 was treated as non-duty period vide order dated 13.03.2003 (Annexure R-1). After reinstatement, sanction was granted for regularization of his services against the vacant post by the Director General of Police, Punjab vide order dated 12.07.2014. Thereafter it came to the notice of the department that the services of the petitioner were terminated and he was reinstated with effect from 18.12.2002, therefore, he was not entitled for regularization of his

services and the order dated 16.07.2014 (Annexure P-6) has rightly been cancelled on the ground that the petitioner does not fulfil the condition of service of part time/10 years service.

Heard.

It is to be noticed that the petitioner was appointed as Class IV employee in the 4th Indian Reserve Battalion, Jalandhar, vide appointment letter dated 04.03.1997 (Annexure P-1). He had undergone medical examination and was found to be medically fit for any duty/job, vide Annexure P-2. The petitioner joined the department and is serving for the last 18 years. Though, the petitioner absented himself from duty and remained dismissed from service from 17.01.2000 to 18.12.2002 and he was reinstated in service vide order dated 13.03.2003 (Annexure R-1) but the fact remains that DGP, Punjab, Chandigarh vide order No.7394-7408/E-3(2) dated 12.07.2014, accorded sanction for regularization of services of daily wages workers/Class IV employees against vacant regular posts. However, subsequently vide a fax message dated 15.07.2014, sanction was withdrawn as regards the employees, who did not fulfill the condition of completion of 10 years service/part time service. The respondents have lost sight of the fact that the petitioner was appointed as back as on 04.03.1997, and had more than 18 years of service to his credit, therefore, his claim for consideration could not be ignored even if the period of dismissal is deducted from the total length of service.

In view of above, the present civil writ petition is allowed.

The respondents are directed to regularize the services of the petitioner after taking into consideration the total length of service deducting the period of dismissal. The necessary exercise be done within a period of two months from the date of receipt of certified copy of the judgment.

23.05.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

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