

**Sr. No.240
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.2991 of 2017 (O&M)

Date of Decision: 24.05.2019

Lachmi

... Petitioner

Versus

Municipal Corporation and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. N.P.Mittal, Advocate,
for the petitioner.

Ms. Sonia Sharma, Advocate,
for respondent No.1-MC, Chandigarh.

None for respondent No.4.

ARUN MONGA, J.(ORAL)

The only ground of denial of the benefit of regularization to the petitioner herein is that she did not furnish the details of her date of birth and father's name.

2. Learned counsel for the petitioner submits that the said inadvertence is on the part of U.T. Administration. At the time of preparing the Seniority List of the 'Daily Wagers' in May, 1996 as reflected from Annexure P-3, the petitioner was placed at Sr. No.124, but her date of birth and father's name were not entered by the concerned official of U.T. Administration.

3. However, the details of her father's name and her date of birth were later provided to the Executive Engineer, Chandigarh on 26.03.2012, in whose office she has been working as 'Daily Wager' for the past 36 years as is reflected from Annexure P-4.

4. The said information was also provided to the Sub

Divisional Engineer in Municipal Corporation, Chandigarh on the same very day vide letter dated 26.03.2012. Notwithstanding, the petitioner has not been given the benefit of regularization despite her having unblemished service record for the past 36 years, whereas on the other hand persons junior to her in the 'Seniority List' have been given the benefit of regularization as reflected from office order dated 06.07.2016 (Annexure P-5).

5. Having gone through the pleadings and after hearing learned counsel for the parties, I find that denial of the benefit of regularization on the specious plea of non-providing her date of birth and father's name by the petitioner does not stand judicial scrutiny and is not tenable.

6. In the premise, writ petition is allowed. Respondent No.1- Municipal Corporation, Chandigarh is directed to consider the case of the petitioner for regularization as per information provided by her vide Annexure P-4 and pass appropriate orders, in accordance with law.

7. In case petitioner is found entitled to regularization, she would be granted all pecuniary benefits from the date when her juniors were regularized along with interest @ 6% per annum.

8. Let the needful be done within a period of two months from the date of receipt of a certified copy of this order.

9. Petition is allowed in the aforesaid terms.

(ARUN MONGA)
JUDGE

24.05.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No