

Sr. No.120

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

**CWP No.36510 of 2019 (O&M)
Date of Decision: 17.12.2019**

Sheetal

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Vikas Singh, Advocate,
for the petitioners.

Mr. P. S. Bajwa, Addl. AG, Punjab.

ARUN MONGA, J.(ORAL)

The petitioner is aggrieved against the rejection of her claim vide order Annexure P-5 impugned herein wherein it is stated that there are no instructions to regularise the services of Safai Sewak working on part time basis.

2. Notice of motion.

3. On advance service of the petition, Mr. P. S. Bajwa, Addl. A.G., Punjab appears and accepts notice on behalf of the State.

4. Given the nature of order being passed, there is no necessity to seek return by the respondents as no further proceedings and/or pleadings are required.

5. Learned counsel for the petitioner has drawn my attention to instructions dated 04.03.1999 contained at Annexure P-9 circulated by Department of Personnel, Government of Punjab to all the Departments in the State which clearly states that the part time employees who have worked

10 years or more would be considered for regular appointment in the concerned department against 25% Class-IV vacancies subject to the presence of the part time worker on duty to be minimum of 80%. The reason stated by the competent authority in the impugned order that there are no instructions, therefore, do not sustain the scrutiny of law.

6. On a query being posed by this Court learned State counsel does not controvert that 1999 Instructions as relied upon by the learned counsel for petitioner till the date hold the fort and have not been superseded or withdrawn.

7. In view of the Instructions dated 04.03.1999 (Annexure P-9) issued by the Department of Personnel, Government of Punjab, the impugned order is set aside with the direction to the respondents to pass fresh speaking order in terms of the instructions dated 04.03.1999 (Annexure P-9) and in case the petitioner is found entitled to the benefit of the same, the necessary benefit thereof shall be accorded to her within a period of two months thereof.

8. Disposed of in above terms.

17.12.2019

dharamvir

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No