

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

CWP No.23894 of 2018

Date of Decision : 07.02.2020

Smt.Munni Devi

....Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Punit Malik, Advocate
for the petitioner.

Ms.Ambika Bedi, AAG, Punjab.

Mr.Anil Kumar Sharma, Advocate
for respondents No.2 and 3.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

As per pleadings on record, husband of the petitioner was serving under the second respondent-Pepsu Road Transport Corporation as a Peon. He unfortunately died on 07.10.1996. Petitioner thereafter was engaged as a daily wager Class-IV on 30.12.1996.

Counsel representing the petitioner contends that services of the petitioner were regularised vide order dated 11.05.2005 and on such basis the prayer is for counting the daily wage services of the petitioner prior to regularisation towards qualifying service. Further prayer is that petitioner be treated as government employee appointed prior to 01.01.2004 and thereby making her entitled to the old pension scheme.

Claim of the petitioner is vehemently resisted by Mr. Anil Sharma, counsel for the respondent-Corporation by submitting that the services of the petitioner were in fact not regularised but she was given fresh appointment vide order dated 11.05.2012 as a Store Boy on regular basis.

Having heard counsel for the parties at length and having perused the pleadings on record, this Court is of the considered view that the claim raised in the instant petition deserves to be accepted.

Engagement of the petitioner as a Class-IV daily wager with effect from 30.12.1996 is not in dispute. The order dated 11.05.2012 appended as Annexure R-3 will have to be read as a whole. The term 'employee' in such order is with regard to the petitioner having been adjusted on the post of Store Boy on regular basis. Such order has been passed against the backdrop of the judgment rendered by the Apex Court in **Civil Appeal No.3595-3612 of 1999** titled as '*State of Karnataka versus Uma Devi*' which was on the subject of regularisation. This Court would view the order dated 11.05.2012 as an order of regularisation and not towards a fresh appointment. It is not even the case made out on behalf of the respondent-Corporation that the petitioner had been appointed as a Store Boy on 11.05.2012 pursuant to any separate recruitment process having been initiated. For all intents and purposes the order dated 11.05.2012 regularised the services of the petitioner and who had been engaged on daily wage basis way back in the year 1996.

By treating the services of the petitioner to have been

regularised and her initial appointment being prior to 01.01.2004, claim of the petitioner in the instant petition would stand covered in terms of Division Bench judgment rendered by this Court in **CWP No. 2371 of 2010** titled as '*Harbans Lal v. The State of Punjab and others*', decided on 31.08.2010 (Annexure P-4). View of the Division Bench in *Harbans Lal's case* (supra) has been affirmed upto the Hon'ble Supreme Court of India.

Petition is allowed in terms of *Harbans Lal's case* (supra).

07.02.2020
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No