

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

RSA No. 2329 of 2018

Date of Decision: 19.2.2020

Harbhajan Kaur

...Appellant

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Manveen Kahlon, Advocate for the appellant.

RAJIV NARAIN RAINA, J. (Oral)

1. This appeal deserves to be dismissed on the short ground that the executive instructions relied upon in the suit are prospective in nature and can have no retrospective effect to bring relief of declaration and consequential service benefits.

2. Nothing has been pointed out in the policy letter dated 23.5.2011 that it has retrospective application.

3. It is noticed that the husband of the petitioner through whom she claims her rights died in the year 2007 while he was working.

4. Accordingly, ten years of service rendered as a daily wager will not bring with it the relief of regularization and consequential benefits to the appellant.

5. Besides, it was not pleaded in the suit that any person in service while plaintiff's husband was alive and recruited later was benefitted to claim parity of treatment.

6. Accordingly, no question of service law arises in this second appeal for determination by this Court.

7. Besides, regularization cannot be claimed as a matter of right and is available normally under State policies and in its terms and conditions.

8. There being no merit in this appeal it is hereby dismissed.

(RAJIV NARAIN RAINA)

19.2.2020

JUDGE

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