

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

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**CM-410-LPA-2021 in/and
LPA No.163 of 2021 (O&M)
Date of decision 10.02.2021**

State of Punjab and another

.....Appellants

VS

Harbans Kaur and Others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr.Navdeep Chhabra, DAG, Punjab.

AJAY TEWARI, J. (Oral)
CM No.410-LPA of 2021

This application has been filed for condoning the delay of 424 days in filing the present appeal.

In view of the averments made in the appeal, application is allowed and delay of 424 days in filing the appeal is condoned.

LPA No.163 of 2021

This appeal has been filed against the judgment of the learned Single Judge directing the State to consider the claim of the respondents for regularization in terms of 2011 Policy.

The solitary ground which has been urged is that the private respondents were working on part time basis and therefore, they are not covered with the policy of 2011 (Annexure P-4). A perusal of the Annexure P-4 reveals that the employees who fulfilled the following conditions has to be considered for regularization and i.e. as follows:-

'..... the employees who are working against the

regular post on contract basis and whose appointments had been made in a transparent manner after taking into consideration their qualification and after following the procedure.....'

Thus, this policy nowhere bars part time employees and it is not disputed that the private respondents though appointed on part time basis but had been appointed against regular post and they were on contract and their appointments had been made in a transparent manner after taking into consideration their qualifications and after following the procedure. In these circumstances, this argument has only to be rejected.

Another ground taken is that these policies were superseded by an Act of the Punjab Legislature of 2016 that would also have no application for two reasons. Firstly, the writ Court has determined the rights of the private respondents as on the date of filing of the writ petition which was in the year 2014. In these circumstances, right of those persons could not be taken by an Act of 2016. Secondly, no plea regarding this fact was taken before the learned Single Judge even though the decision came on 19th December, 2018 and no ground to this effect has been taken even in the LPA, but as mentioned above even on first principle, the arguments have to be rejected and the appeal is accordingly dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

10.02.2021
anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>