

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No. 6564 -2019 (O&M)
Decided on : 18.12.2023

BANSO RANI

...PETITIONER

Versus

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Ms. Aarti Sharma, Advocate for
Mr. Shalender Mohan, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance of the petitioner is that there is a likelihood that the petitioner is going to be replaced by another employee on the same terms and conditions.
2. Learned counsel for the petitioner submits that keeping in view the facts and circumstances of the present case, the petitioner is entitled for consideration of her claim for the regularization of her services in terms of the policy as notified by the respondents in the year 2011.
3. Certain facts needs to be mentioned for correct appreciation of the issue in hand.
4. The petitioner was appointed as a sweeper in March 1999. The petitioner continued working till March 2013 when her services were dispensed with. The order dated 01.03.2013 terminating the services of the petitioner was challenged by the petitioner before Industrial Tribunal cum Labour Court, Hisar. The said order terminating the services of the petitioner w.e.f 01.03.2013 was found to be invalid and vide Award of the Industrial Tribunal-cum-labour Court dated 21.04.2017, the petitioner was directed to

be reinstated in service with continuity and full back wages from the date of the demand notice i.e. 27.07.2015.

5. After the petitioner was reinstated in service, the petitioner apprehended that she will be replaced by another employee .The further prayer of the petitioner is that her claim should be considered for regularization of her services under the policy of the year 2011 by which, the part time workers were regularized in service.

6. In reply to the claim, the respondents have conceded the fact that order terminating the services of the petitioner was *set aside* by the labour Court in the year 2017 and the petitioner has already been reinstated in service, but the petitioner cannot be regularized in service.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. Once, the petitioner has been reinstated in service with continuity and with full back wages and it has already come on record that the petitioner was appointed in March 1999 and it cant be fairly said that petitioner is working with the respondents for the last about 24 years.

9. As per the judgment passed by the Hon'ble Supreme Court of India in Civil Appeal No. 6798 of 2019 titled as 'Prem Singh v. State of Uttar Pradesh', decided on 02.09.2019, an employee who has rendered more than two decades of service is entitled to be considered for regularization of his/her services. Nothing has come on record that after being reinstated in service, the claim of the petitioner was ever considered under policy issued in the year 2011 under which part time workers were regularized in service, including the employees who were junior to the petitioner and were similarly situated. That being so, the respondents are directed to consider the claim of

the petitioner under the policy issued in the year 2011 for the regularization of services of the part time workers and pass an appropriate orders keeping in view the judgment passed by Hon'ble Supreme Court of India in **Prem Singh's case (Supra).**

10. Till the said order is passed, the petitioner will be allowed to continue in service and will not be replaced by another employee on the same terms and conditions subject to the satisfactory record of the petitioner.

11. The present petition stands disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

18.12.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No