

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 119)

- (1)

CWP No. 13280 of 2020 (O&M)
Date of Decision : 05.09.2023
- Gurpreet Kaur and others

...Petitioners
- Versus
- State of Punjab and others

...Respondents
- (2)

CWP No. 11846 of 2021
- Satwant Kaur and others

...Petitioners
- Versus
- State of Punjab and others

...Respondents
- (3)

CWP No. 13671 of 2020
- Rita Kumari and others

...Petitioners
- Versus
- State of Punjab and others

...Respondents
- (4)

CWP No. 14257 of 2021 (O&M)
- Amandeep Kaur and others

...Petitioners
- Versus
- State of Punjab and another

...Respondents

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(5)

...Petitioners

...Respondents

(6)

...Petitioners

...Respondents

(7)

...Petitioners

...Respondents

(8)

...Petitioners

...Respondents

Present: Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Brijesh Khosla, Advocate for the petitioners
in CWP-13280-2020.

Mr. Nitesh Singla, Advocate for the petitioners
in CWP-13671-2020, CWP-17111-2020, CWP-19046-2020,
CWP-11846-2021.

Mr. D.D. Singla, Advocate and
Mr. Ravinder Singh, Advocate for the petitioners
in CWP-17826-2020.

Mr. Parvez Chugh, Advocate for the petitioners
in CWP-14734-2020.

Mr. Ashok Bhardwaj, Advocate for the petitioners
in CWP-14257-2021.

Mr. Satya Pal Jain, Additional Solicitor General of India
with Mr. Ashish Rawal, Advocate
for respondent-UOI.

Mr. Gurpreet Singh, Additional Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

By this common order, a bunch of writ petitions, the details of which have been given in the heading, are being decided as all the petitions involve the same question of law on similar facts.

In the present petitions, the prayer of the petitioners is that they are working with the respondent-State from 2008 onwards and their claim for regularization of their services is covered under various regularization policies, which have been issued by the respondent-State but the benefits of the said policies have not been extended to them in an arbitrary manner.

Learned senior counsel appearing on behalf of the petitioners submits that now recently, another regularization policy has been issued by the Government of Punjab dated 16.05.2023, which also covers the

claim of the petitioners for regularization of their services, hence, the respondents are under an obligation to consider the claim of the petitioners for regularization of their services under the said Policy as well hence, the respondents be directed to consider the claim of the petitioners under the said Policy dated 16.05.2023 and grant the required benefit to the petitioners.

Learned State counsel submits that the claim of the petitioners will be considered under the new Regularization Policy dated 16.05.2023 and an appropriate order will be passed qua each of the petitioner keeping in view the facts and circumstances of each case coupled with the terms and conditions prescribed in Regularization Policy dated 16.05.2023. Learned State counsel submits that in case the petitioners are found entitled for the benefit under the said Regularization Policy, appropriate relief will be extended to them.

At this stage, learned senior counsel appearing on behalf of the petitioners submits that respondents have already given an undertaking that they have not intention to terminate the services of the petitioners, hence, respondents be directed to maintain the said undertaking even during the period when the consideration of their claim for regularization is being undertaken.

Learned counsel for the respondents submits that once an undertaking has already been given that the services of the petitioners will not be dispensed with, hence the said undertaking will continue till the claim of the petitioners is considered and decided and they will be

allowed to continue in service till their claim for regularization of their services is decided by the competent authority even if the claim of the petitioners for regularization is rejected, they will be allowed to continue till the work of the post exists with the department subject to the condition that proper conduct is maintained by the petitioners.

Keeping in view the above, the present petitions are disposed of with the direction to the respondents to consider the claim of the petitioners under the Regularization Policies, which have been issued by the Government of Punjab including the one, which has been issued in May, 2023 and pass an appropriate order qua each of the petitioner whether his/her claim is covered under any of the regularization policy for regularization of the services of the petitioners.

Further, till the claim of the petitioners for regularization of their services is considered and appropriate order is passed, the petitioners will be allowed to continue in service and even if the claim of the petitioners is not accepted for regularization for any reason, due reason should be mentioned in the order to be passed. In that circumstances also, the petitioners will be allowed to continue in service till the work of the post exists, which assessment will be done by the respondents at their own level or regular incumbent joins, which ever is earlier subject to the condition that petitioners maintain good conduct.

Petitions are disposed of in above terms.

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CM-11514-CWP-2020 in CWP-13280-2020 and
CM-18576-CWP-2021 in CWP-14257-2021

As the main petitions have disposed of, the present applications also stand disposed of.

September 05, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No