

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20222 of 2017 (O&M)

Date of decision: 21.02.2023

Murti Devi

..Petitioner

Versus

The State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurbachan Singh, Advocate, for the petitioner.

Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

1. The petitioner prays for the issuance of a writ in the nature of mandamus to direct the respondents to regularize the services of the petitioner with the consequential benefits in terms of the policy decision dated 04.03.1999 and 23.01.2001.

2. The petitioner was employed as a Part-Time Sweeper on 10.07.1992. She, as already noticed, prays for the regularization of her services.

3. While contesting the writ petition, the respondents have stated that a priority list was prepared for regularizing the services of the similarly situated employees and the petitioner's name in the said list was at Sr. No.89, whereas the Part-Time Workers whose names were upto Sr. No.70 were regularised by the concerned authority.

4. The learned counsel representing the State of Punjab, on instructions from Mr. Ravinder Kumar Bali, Junior Clerk, Office of Director Public Instructions (School Education), Punjab, stated that the services of the petitioner were regularised w.e.f. 07.01.2019 and she was permitted to join on 11.01.2019 after availing one year extension. She superannuated on

30.06.2020.

5. The learned counsel representing the petitioner relies upon the observations made by a Division Bench in **State of Punjab and others vs. Surjit Kaur** (LPA No.771 of 2015, decided on 29.04.2016) which reads as under:-

*“We are sure that the State of Punjab will look into this aspect of the matter and re-structure the policy in such a manner that services of Class IV Part-time employees are regularised at least before one attains the age of retirement and in case, regular vacancy does not become available, in that case, such employee shall be taken to have been made regular immediate before his retirement. Such a liberal and pragmatic interpretation is the only effect modicum to achieve its object. Suffice to observe that recourse to such a policy decision is permissible under the mandate of Constitution Bench decision in **Secretary, State of Karnataka and others vs. Umadevi and others, 2006 (4) SCC 1.**”*

In the light of the above discussion, the respondent is held entitled to the benefits of liberal construction of the policy as have been granted by the learned Single Judge.”

6. It is evident that the services of the petitioner have already been regularised by the authority before she attained the age of superannuation. Hence, the observations made by the Division Bench already stand complied with by the authority.

7. Keeping in view the aforesaid facts and discussion, no further order is required to be passed.

8. Disposed of accordingly.

9. All the pending miscellaneous applications, if any, are also disposed of.

February 21, 2023
nt

(ANIL KSHETARPAL)
JUDGE

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