

**CWP-3479-2015 (O&M)
and other connected cases**

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2023:PHHC:075386

**107-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-3479-2015 (O&M)
and other connected cases
Date of decision:24.05.2023**

Shanti Devi

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Gurbachan Singh, Advocate for the petitioners
in CWP-3479-2015, 9891-2019, 24877-2016, 25010-2016
49-2013, 22571-2015 and 22771-2015

Mr. Amit Kashyap, Advocate for the petitioner
in CWP-27928-2019

None for the petitioner
in CWP-11182-2015

Mr. Vikas Mohan Gupta, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. By this order, a batch of 9 Civil Writ Petitions (details
whereof are at the foot of the judgment) shall stand disposed of.

2. Heard the learned counsel representing the parties at length.
In all the writ petitions, the petitioners pray for the issuance of a writ in
the nature of Certiorari to quash the various orders passed by the
competent authority while refusing to regularize their services. The
petitioners herein are working as the Part-Time Class IV employees in
the State of Punjab. In substance, they pray for their regularization in
terms of the policy decision dated 04.03.1999. While filing the reply as

well as in the impugned orders, the claim of the petitioners has been rejected on the basis of priority list as well as on the ground that the petitioners do not fulfill the terms of the policy decision dated 04.03.1999. In substance, the respondents claim that a priority list of such Part Time contractual employees has been prepared and the services of the employees, who were appointed prior in time, have been regularized. In fact, two identical writ petitions bearing CWP-24298-2016 and CWP-26717-2016 were dismissed by this Court on 27.04.2023, while taking note of the Five Judges Bench judgment of the Supreme Court in **Secretary, State of Karnataka vs. Uma Devi and others (2006) 4 SCC 1**.

3. For the reasons stated in the aforesaid order as also the fact that most of the petitioners rank lower in the priority list, no writ can be issued.

4. Learned counsel representing the petitioners submits that the Letters Patent Appeal Bench while deciding LPA-771-2015 titled as '**State of Punjab and others vs. Surjit Kaur**' decided on 29.04.2016 has held 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 regularized 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 effective 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 Karnatka And others vs. Umadevi and Others, 2006 (4) SCC 1.”

5. This Court has considered the order passed by the Division Bench. According to the Court’s opinion, such observations are merely expressions of hope and therefore, do not form part of the ratio decidendi.
6. In view of the aforesaid facts and discussion, no ground to issue the writ, as prayed for, is made out.
7. Hence, dismissed.
8. All the pending miscellaneous applications, if any, are also disposed of.

24.05.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE

Sr. No.	Case No.	Parties Name
1.	CWP-3479-2015	Shanti Devi vs. State of Punjab and others
2.	CWP-9891-2019	Saroj Bala vs. State of Punjab and others
3.	CWP-24877-2016	Guddi Kaur vs. State of Punjab and others
4.	CWP-25010-2016	Balbir Kaur vs. State of Punjab and others
5.	CWP-27928-2019	Amarjit Kaur vs. State of Punjab and others
6.	CWP-49-2013	Raj Kaur vs. Secretary Health, Govt. of Punjab and others
7.	CWP-22571-2015	Anju vs. State of Punjab and others
8.	CWP-11182-2015	Kailash Chander and another vs. State of Punjab and others
9.	CWP-22771-2015	Muni Devi vs. State of Punjab and others

24.05.2023
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(ANIL KSHETARPAL)
JUDGE