

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

**LPA-1130-2022 (O&M)
Date of decision: 06.12.2023**

The Executive Engineer, PSPCL, Barnala and others

...Appellants

Vs.

Jasvir Kaur and another

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present: Mr. Rishabh Gupta, Advocate,
for the appellants.**

Mr. B.S. Jatana, Advocate,
for respondent No.1.

Ms. Lavanya Paul, DAG, Punjab.

Ritu Bahri, Acting Chief Justice

CM-2743-LPA-2022

1. For the reasons mentioned in the application, same is allowed and delay of 40 days in filing of the appeal is condoned.

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2. The instant appeal, under Clause X of the Letters Patent Appeal, is against the judgment dated 20.09.2022 passed by the learned Single Judge of this Court, whereby petition (CWP-28679-2017) filed by petitioner-respondent No.1 has been allowed and the order dated 12.06.2017 (Annexure P-2) rejecting her claim for appointment on compassionate ground, has been set aside.

3. Brief facts of the case are that husband of petitioner-respondent

No.1 was working as Lineman on contract basis since 25.11.2011. He had been posted in the office of Protection and Maintenance Division, Barnala. Unfortunately, while returning home from his duty, he died in a road accident, which took place on 12.01.2015. As per policy of regularization dated 17.08.2015 (annexure P-3), the services of other Linemen, who had been appointed on contract basis along with the husband of petitioner-respondent No.1, had been regularized after completion of three years of service. But, before the order of regularization could have been passed, husband of petitioner had expired on 12.01.2015. Due to this reason, claim of the petitioner for appointment on compassionate ground has been rejected by the respondents (appellants herein) vide order dated 12.06.2017.

4. Feeling aggrieved, petitioner-respondent No.1 challenged the said order by filing CWP-28679-2017, which was allowed vide order dated 20.09.2022. Hence, the present appeal.

5. While allowing the writ petition, learned Single Judge made reference to the judgments passed by this Court in **Beant Kaur vs. State of Punjab**, 2001 (3) Sct 321 and **Dalbir Kaur vs. State of Punjab and others**, CWP-1731-2011 (decided on 10.01.2012).

6. Learned counsel for the appellant has not been able to dispute the fact that after appointment, husband of petitioner-respondent No.1 had completed three years of service. Similar issue had come up for consideration in **Beant Kaur's** case (supra), whereby it has been held that if a person has been working for 10 years and entitled for regularization, his services will be deemed to be regularized.

7. In the facts of the present case also, since the persons, who were appointed along with the husband of petitioner-respondent No.1 were regularized as per the policy of regularization dated 17.08.2015, he was

deemed to be regularized. Therefore, after his death, the petitioner being dependent upon him, cannot be denied appointment on compassionate ground.

8. In view of the above discussion and after going through the contents of appeal as well as the impugned judgment, this Court is of the view that the order dated 12.06.2017 (Annexure P-2) has been rightly set aside by learned Single Judge and the respondent-appellants have been directed to consider the claim of petitioner-respondent No.1 for appointment on compassionate ground on a suitable post as per her academic qualifications ignoring the fact that her husband was not a regular employee. Hence, no ground is made out to interfere in the well reasoned judgment passed by learned Single Judge.

9. Resultantly, finding no merits, present appeal stands dismissed. Since the main appeal has been dismissed, pending misc. applications(s) stand disposed of accordingly.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

06.12.2023
ajp

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