



CM-14785-CWP-2024 in/&
CWP-15362-2002 (O&M)

-1-

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

102

**CM-14785-CWP-2024 in/&
CWP-15362-2002 (O&M)
Date of Decision :13.09.2024**

Swaran Kaur

..Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioner.

Mr. Amar Preet Singh Bains, AAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-14785-CWP-2024

Present application has been filed for listing the main writ petition at an early actual date of hearing.

Notice of the application to the counsel opposite.

Mr. Amar Preet Singh Bains, AAG, Punjab accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as raised in the present petition.

Accordingly present application is allowed and main petition is taken up of hearing today itself.

CWP-15362-2002

In the present petition, grievance being raised by the petitioner is that the petitioner was appointed as Peon with the respondent No.3 in the



**CM-14785-CWP-2024 in/&
CWP-15362-2002 (O&M)**

-2-

year 1993 and she continued working as such when her services were regularized in the year 1999. At the time of regularization of services of the petitioner, she had submitted a matriculation certificate having passed the same from the Board of Adult Education & Training (Proadh Shiksha Sansthan) New Delhi. Thereafter, the petitioner continued working as such until the year 2000 when she was suspended from service vide order dated 29.02.2000 (Annexure P/4) on the ground that matriculation certificate submitted by her is not from a recognized institute and hence, the petitioner could not have been regularized in services and, thereafter, by holding a departmental enquiry, services of the petitioner were terminated vide letter dated 13.08.2002 (Annexure P/1) on the same ground. Said order dated 13.08.2002 (Annexure P/1) is under challenge in the present petition.

While issuing notice of motion on 24.09.2002, operation of the impugned order dated 13.08.2002 (Annexure P/1) was stayed and thereafter, the writ petition was admitted and the petitioner continued working till her retirement under the interim order of this Court.

The grievance being raised by the petitioner is that though, the petitioner has already retired from service but after 2002 when termination order was passed against her, no benefits have been allowed in favour of the petitioner despite the fact that she continued working under the interim order of this Court and even the pensionary benefits have not been extended to her.

Learned counsel for the respondent-State submits that once, the certificate given by the petitioner qua her qualification which was required



CM-14785-CWP-2024 in/&
CWP-15362-2002 (O&M)

-3-

for regularization of her services, was not from the recognized institute hence, the order dated 13.08.2002 (Annexure P/1) passed by the respondents terminating the services of the petitioner is valid.

Learned counsel for the respondent-State concedes the factum that keeping in view the interim order passed by this Court, the petitioner continued working upto the date of her retirement i.e. 31.03.2019. Learned counsel for the respondent-State further concedes that keeping in view the fact that petitioner continued in service under the interim order of this Court, no service benefits including ACP as admissible to the other regular employees have been granted to the petitioner.

I have heard learned State counsel and have gone through the record with his able assistance.

In the present petition, where the petitioner gave a certificate showing her minimum qualification required for the post of Peon and the same was accepted by the respondents and her services were regularized by the respondents themselves. Moreover, there was no misrepresentation on the part of the petitioner. The respondents should have verified all the facts before regularizing the services of the petitioner rather than, terminating the services of the petitioner later on.

Further, keeping in view the interim order passed by this Court, petitioner continued in service and retired as a regular employee on 31.03.2019 i.e. approximately five years ago. Once, the petitioner worked with the respondents and her services were regularized by the respondents and she continued as such upto the date of her retirement as a regular



CM-14785-CWP-2024 in/&
CWP-15362-2002 (O&M)

-4-

employee, it will be too harsh at this stage to allow the respondents to operate the impugned order dated 13.08.2002 (Annexure P/1) terminating the services of the petitioner, especially, when the petitioner was working as Class-IV employee.

Hence, by keeping the question of law open, keeping in view the peculiar circumstances of the present case, the respondents are directed not to give effect to the impugned order dated 13.08.2002 (Annexure P/1) any further.

Further, as certain service benefits were not allowed in favour of the petitioner during the pendency of the present petition till her retirement despite the fact that the petitioner continued in service and discharged her duties up to the date of her retirement, the respondents are directed to grant all the service benefits to the petitioner by treating her a regular employee for all intent and purposes. In case, after the grant of said benefits, the petitioner, who was class-IV employee becomes entitled for revision of her pensionary benefits, the same be also extended to her along with arrears.

Let the present order be complied with within a period of 08 weeks from the date of receipt of copy of this order.

Present petition is allowed in above terms.

Civil miscellaneous application pending, if any, is also disposed of.

September 13, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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