

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CWP-5689-2024
Date of decision: 12.03.2024

Harjinder Kaur
.....Petitioner
Versus

State of Punjab and others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.P. Vashisht, Advocate and
Ms. Armaan Saggar, Advocate for the petitioner.

AMAN CHAUDHARY. J.

1. The prayer in the present Civil Writ Petition filed under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of mandamus, for directing the respondents to regularize the services of the petitioner against the regular post.
2. Learned counsel would submit that the petitioner was appointed as Peon vide order dated 14.10.1997 for six months and thereafter her services were terminated on 12.10.1998, upon which CWP-18927-1998 was filed challenging the same and during the pendency thereof, she was appointed on 21.10.1998 as part time sweeper on the rates fixed by the Deputy Commissioner, Ferozepur. The said writ petition was thereafter withdrawn on 23.09.2008 with liberty to file a fresh. Since 1998, she has been working and is thus seeking regularization of services in terms of the policy/instructions and judgment in case of similarly situated employees passed by this Court in CWP-1824-2014 titled as Surjit Kaur vs. State of Punjab and others, decided on 16.01.2015, against which the LPA-771-2015 filed by the State was dismissed on 29.04.2016 and even SLP No.23464 of 2016 met the same fate on

09.12.2016. In this regard, a legal notice dated 01.12.2022, Annexure P-8 and a reminder thereto, dated 08.05.2023, Annexure P-10 have been sent to the respondents, which have yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner by granting her an opportunity of hearing.

3. Notice of motion.

4. At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents to consider the legal notice dated 01.12.2022, Annexure P-8 and decide the same taking note of the aforesaid judgments referred to by the petitioner, within a period of six months and if found entitled, necessary benefit be granted to her forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

(AMAN CHAUDHARY)
JUDGE

12.03.2024
Hemant

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