

2024:PHHC: 011475
CWP-13046-2014 (O&M)
Date of Decision: 29.01.2024

Surinder Kaur Vs. ...Petitioner
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present None for the petitioner.

Mr. D.K. Single, Addl. AG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this writ petition has prayed for directing the respondents to regularize the services of the petitioner's husband, who was appointed on 14.06.1989, retired on 30.09.2008 and died on 19.09.2013.

2. The respondents have placed on record copy of order dated 09.02.2012, whereby services of other similarly placed persons have been regularized, however, so far as the petitioner's husband is concerned, it is submitted that since the petitioner's husband had retired in September, 2008, his case was not considered.

3. However, in the opinion of this Court action of respondents denying the petitioner's husband claim is based on wholly flimsy grounds. The exercise of regularization of petitioner's husband services on completing 10 years of service was required to be done posthumously and retrospectively. All those who had completed 10 years of service which included the petitioner, were required to be regularized and given their consequential benefits.

4. The plea taken of the petitioner having attained superannuation amounts to discrimination per se between similarly situated persons. Merely because the petitioner's husband attained the age of superannuation would not deprive him of the benefits which others similarly situated have been granted. The respondents are, therefore, directed to take steps and pass similar orders as passed in favour of others who had completed ten years of service as on December, 2006 in terms of order passed on 09.02.2012. Consequential benefits shall also be calculated and released including the benefit of family pension to the petitioner. The exercise shall be completed within two months henceforth. Copy of this order be sent to the office of the respondents for strict compliance.

5. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

29.01.2024

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |