



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CWP No. 5667 of 2017 (O&M)

Date of Decision : 18.11.2024

Rajinder Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Samridhi Goyal, Advocate for
Mr. Anil Mehta, Advocate for the petitioner.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, learned counsel for the petitioner submits that the petitioner is that the petitioner joined on ad-hoc basis on 04.01.1982 and her services were required to be regularized w.e.f. 01.04.1985 keeping in view the Policy/Instructions issued, according to which, an employee who has completed one year of service upto 31.03.1985 is entitled for regularization of his/her services subject to the condition that the break in service for the period in concern should not be more than 30 days.

2. Learned counsel for the petitioner submits that the claim of the petitioner has been rejected on the ground that though, the petitioner has worked from 01.04.1984 till 31.03.1985 but the break during the said period of service is more than 30 days, because of which, the services of the petitioner could not be regularized from 01.04.1985 hence, the same has



already been regularized w.e.f. 01.01.1991. The challenge laid in the present petition is for directing the respondents to consider the claim of the petitioner for regularization from 01.04.1985.

3. Learned counsel for the respondents submits that once, a claim of the petitioner has been considered in accordance with the terms and conditions of the Regularization Policy, according to which, an employee must have one year service upto 31.03.1985 and the break in service during the said period of service should not be more than 30 days and once it is found that there is a break in service, which is more than 30 days hence, the petitioner is not entitled for regularization of her services w.e.f. 01.04.1985 and the relief being claimed may kindly be declined.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, a benefit of regularization is being claimed under a particular Policy, the petitioner has to satisfy the terms and conditions of the Policy concerned. It is a conceded fact that an employee has to have one year service upto 31.03.1985 with further condition that the break in service during the service period, if any, should not be more than 30 days. Concededly, the petitioner has a break in service which is more than 30 days, due to which, her claim has been declined by the respondents by passing a speaking order.

6. Learned counsel for the petitioner has not been able to rebut the said fact. Learned counsel for the petitioner argues that 30 days break should have been condoned or the imposition of the said condition is arbitrary. It may be noticed that the Instructions under which the



regularization is being claimed from 01.04.1985 are not under challenge. In the absence of any challenge to the Instructions, condition imposed in the Regularization Policy have to be fulfilled by the employee and the petitioner has not fulfilled the condition of continuous service for a period of one year upto 31.03.1985.

7. Further, it is not the case of the petitioner that the respondents are against the petitioner to deny her the benefit. In the same impugned order, the services of the petitioner has been regularized though w.e.f. 1991, the petitioner has worked on regular basis and has already retired in the year 2017 and the present petition has been filed thereafter.

8. Keeping in view the facts mentioned here-in-before, no ground is made out for any interference by this Court in the present petition.

9. Dismissed.

10. Pending miscellaneous application, if any, also stands disposed of.

November 18, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No