

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

CM-6020-CWP-2024 in/and
CWP-27187-2019
Date of Decision : 16.04.2024

Gurcharan Kaur @ Charan Kaur

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasbir Singh Mohri, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-6020-CWP-2024

Present application has been filed for fixing the date of hearing in the main writ petition, which has been adjourned sine die.

Keeping in view the averments made in the application, the same is allowed. Main writ petition is taken up for hearing today itself.

CWP-27187-2019

1. The present petition has been filed by the petitioner making a statement that she was appointed as a Part Time Water Carrier on 21.07.1978 and continued working as such, hence, she is entitled for the benefit of regularization policy issued by the State of Haryana from time to time including the Policy dated 01.02.1999.

2. Learned counsel for the petitioner submits that the petitioner has unfortunately died during the pendency of the present petition but her claim will subsists as, the legal heirs have not been granted any benefit on the ground that she died while working on daily wage basis. Learned counsel for the petitioner further submits that petitioner though in the present writ petition was claiming regularization policy under the Policy dated 01.02.1999 but in case her claim is considered under the Policy dated 01.10.2003, the legal heirs of the petitioner will be satisfied.

3. Learned counsel for the petitioner further submits that the claim of the employees seeking regularization of service under the Policy dated 01.10.2003 has already been decided while passing order in ***CWP No. 2158 of 2020 titled as Ashish Sharma and others vs. State of Haryana and others***, and other connected cases, decided on 13.03.2024 and the present petition be also disposed of in the same terms and conditions.

4. Learned counsel for the respondents on the other hand submits that once the benefit was sought under the Policy of 1999, the petitioner cannot change her claim to the Policy dated 01.10.2003 and further that as of now, the petitioner has already died, hence, the question of regularizing her services does not arise. Learned counsel for the respondents further submits that the petitioner never approached the respondents for regularization of her service, hence, no direction can be given.

5. Learned counsel for the respondents submits that it is incorrect that the petitioner was not in service at the time of her death or even at the time of filing of the writ petition as her services had already been terminated in the year 2016, which order was not challenged by the petitioner during her lifetime.

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

7. Once, the services of the petitioner were terminated in the year 2016 and the said order was never challenged, no ground is made out for the grant of any benefit of regularization policy as the petitioner was not in service on the day when the writ petition was filed. Rather, the present petition was filed after 03 years and that too when the petitioner was 62 years of age.

8. Keeping in view the said fact that the petitioner was not in service on the date of filing this petition and had never challenged the order terminating her service passed in the year 2016, her claim for regularization of services cannot be considered.

9. No other argument was raised.

10. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.

11. Dismissed.

April 16th, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No