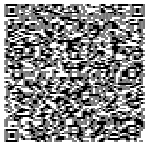


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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-29541-2024
Date of Decision : 04.11.2024

BALBINA PETITIONER

V/S

STATE OF PUNJAB AND ORS RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Manveen Kahlon, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 05.01.2018 (Annexure P-11) whereby respondent has rejected her claim for family pension/pensionary benefits.
2. The husband of petitioner joined respondent on 01.08.1991 as Barber. His appointment was neither regular nor made after following procedure prescribed for making appointment of a government official. He was regularized on 28.01.1993 but authorities realizing their mistake withdrew order of regularization on 13.09.1993. The said employee preferred writ petition before this Court which came to be disposed of vide order dated 23.02.1996. The respondent in compliance to orders of this Court passed order dated 12.07.1996 whereby claim of regularization

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of said employee was dismissed. The respondent in 2001 introduced fresh policy of regularization. The employee made representations dated 06.12.2001 and 10.02.2004 seeking regularisation in terms of amended policy. The respondent did not regularize him and he unfortunately passed away on 28.09.2005. The petitioner i.e. wife of deceased employee was appointed on compassionate ground and she was thereafter regularized. She preferred CWP No. 10179 of 2018 before this Court seeking regularization of service of her husband. The said writ petition came to be dismissed as withdrawn with liberty to file fresh on the same cause of action by challenging order by which her husband's services were de-regularised.

3. The petitioner is neither assailing order dated 13.09.1993 whereby order of regularization was recalled nor order dated 12.07.1996 whereby husband of the petitioner was denied regularization of his service. The petitioner is assailing order dated 05.01.2018 whereby she has been denied benefit of pension with respect to service of her husband.

4. Ms. Kahlon submits that respondent wrongly recalled order of regularization and thereafter did not consider claim of petitioner's husband in 2003-04. Her husband's claim was based upon 2001 policy.

5. I have heard the arguments of counsel for the parties and perused the record.

6. From the perusal of record, it is evident that husband of petitioner passed away in September' 2005. By that time, he was not regularized. The respondent appointed petitioner on account of death of her husband and she was regularized in 2012. The respondent has

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compensated the petitioner by appointing her on compassionate ground and thereafter regularizing. The petitioner's husband was not appointed against a regular post or after following the procedure prescribed for appointment of a regular employee. Upto 2006, he was not regularized and a Constitution Bench in Secretary, State of Karnataka vs. Umadevi (2006) 4 SCC 1 in 2006 laid down guidelines with respect to regularization of adhoc, contractual or temporary employees. The Court deprecated appointment of part time or contractual or adhoc employees and thereafter their regularization. The Court granted one time opportunity to State and its instrumentalities to regularize those employees who had been working uninterruptedly for last 10 years. Petitioner's husband passed away prior to said judgment. The petitioner filed petition in 2018 claiming regularization of service of her husband. She remained silent from 2005-2018 though she was appointed by respondent.

7. Considering the totality of facts and circumstances, this Court does not find it appropriate to invoke its writ jurisdiction.

8. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

04.11.2024

anju

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No