



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

116

CWP-13424-2025 (O&M)
Decided on :12.05.2025

JASWINDER KAUR

. .Petitioner

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Dhiraj Chawla, Advocate for the petitioner.

Mr. TPS Chawla, Sr. DAG, Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 12.03.2025 (Annexure P-16) by which, the claim of the petitioner for regularization of his services alongwith consequential benefits of pension has been rejected by the respondent-department, which is arbitrary and illegal.

2. Learned counsel for the petitioner argues that without appreciating the fact that the petitioner had worked with the respondent-department on the post of AZO operator for the last 27 years and that no fact was ever misrepresented or concealed by the petitioner, hence, rejecting the claim of the petitioner for regularization of his services alongwith consequential benefits of pension only on the ground that the initial appointment of the petitioner on the post of AZO operator by the respondent-department was not correct, is impermissible.

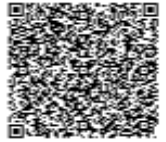
3. Learned counsel for the petitioner further submits that though vide order dated 16.01.2025 passed by this Court in the earlier writ petition filed by the petitioner before this Court bearing CWP No. 33925 of 2024 titled as **Jaswinder Kaur versus State of Punjab and others**, directions were given to the respondents-department to decide the case of the petitioner in the



light of the judgment of this Court in **CWP-26714-2019, titled as Hira Devi and others versus State of Punjab and others, decided on 19.07.2024 alongwith other connected cases,** but thereafter, even the judgment of Hon'ble Supreme Court of India in **Civil Appeal No. 14831 of 2024 titled 'Jaggo Vs. Union of India', decided on 20.12.2024** and the judgment of Hon'ble Supreme Court of India in **Civil Appeal No. 8157 of 2024 titled as Shripal and another Vs. Nagar Nigam, Ghaziabad, decided on 31.01.2025,** have also come in to effect, wherein, the Hon'ble Supreme Court of India has held that where an employee, has worked for two decades, the compassionate view should be taken by the employer in favour of the said employee for grant of pensionary benefits, even though the criteria of requisite qualification is not fulfilled or even if there existed no such post and still the direction was given by the Hon'ble Supreme Court of India for regularization of the services of such an employee, whereas, in the present case, the claim of the petitioner has been rejected by the respondent-department, which is in total violation of the settled principle of law mentioned herein above.

4. Notice of motion.

5. Mr. TPS Chawla, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and on instructions from Chief Engineer/Head Quarter, Water Resources Department, Punjab, Chandigarh, who is present in the Court, submits that impugned order dated 12.03.2025 (Annexure P-16) be treated as withdrawn and liberty be given to the respondents to pass a fresh order in accordance with the settled principle of law as being settled by the Hon'ble Supreme Court of India in **Jaggo's case(Supra)** as well as in **Shripal's case (supra)**. Learned counsel for the respondents further submits that the fresh speaking order will be passed within a period of **04 weeks** of



CWP-13424-2025 (O&M)

-3-

the receipt of certified copy of this order, which will be duly conveyed to the petitioner.

6. Learned counsel for the petitioner submits that keeping in view the statement made by the learned counsel for the respondents-State recorded herein above, present petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.

8. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

12.05.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No