

(2010) 08 P&H CK 0392
In the Punjab And Haryana At Chandigarh

State of Punjab and Others	Vs	APPELLANT
Harjinder Kaur and Surjit Kaur		RESPONDENT

Date of Decision : 23-08-2010

Acts Referred:

Citation : (2010) 08 P&H CK 0392

Hon'ble Judges : Ritu Bahri, J;M.M. Kumar, J

Bench : Division Bench

Judgement

M.M. Kumar, J.—By this order we propose to dispose of LPA Nos. 984 and 980 of 2010, filed by the State of Punjab and its officers under Clause X of the Letters Patent against the interlocutory orders dated 12.5.2010 and 24.5.2010 passed by the learned Single Judge in CWP Nos. 20731 of 2008 and 2533 of 2008 respectively.

2. While admitting the writ petitions, learned Single Judge has noticed circular dated 23.1.2001, issued by the appellant State stipulating that those daily wagers who have completed three years service, would be regularised. However, the regularisation of the deceased husband of the petitioner-respondent(s) was not ordered on account of non-availability of post. As against 1200 persons who are similarly situated to the deceased husband of the petitioner-respondent(s), only 638 posts were available. The husband of the petitioner-respondent(s) had rendered about 14 years of service. The learned Single Judge realising the difficulty being faced by the hapless widows noted with anguish that the policy of regularisation was merely a lip service for hundreds of daily wagers, who have spent their lifetime and giving best part of their life to the State and also noted that the appellants have failed to perform their duties as an organ of the welfare State. Moreover, if the work continues for 14 years or according to the cut off date given by the appellants themselves i.e. more than three years, then work is of perennial nature and it cannot be claimed by the State that the work was for a project or work charge staff was required for a limited period. The learned Single Judge had admitted the writ petitions with a direction to the appellants to release

family pension to the petitioner-respondent(s) by assuming that their deceased husbands were regular employees.

3. Learned State Counsel has referred to the 1964 Scheme as interpreted by various Division Benches of this Court in the cases of Smt. Savitri Devi v. State of Haryana 1996 (2) RSJ 854; Santosh Devi v. U.H.B.V.N.L. 2007 (1) RSJ 178; Sarla Devi v. U.H.B.V.N.L. 2007 (1) RSJ 181; Om Pati v. State of Haryana 2007(1) RSJ 582; Ratni Devi v. Haryana Vidut Parsaran Nigam Limited 2008(3) RSJ 416; and Rati Ram v. State of Haryana 1995 (4) SCT 491. He has also referred to judgments of Hon^{ble} the Supreme Court rendered in the cases of Uttar Haryana Bijli Vitran Nigam Ltd. and Others Vs. Surji Devi, and State of Haryana v. Shakuntla Devi (2008) 15 SCC 380. Learned State Counsel has argued that the 1964 Family Pension Scheme would not be applicable to those employees who have never been regularised.

4. Having heard Learned State Counsel, we are of the considered view that the matter requires detailed consideration at the hands of learned Single Judge. Therefore, we request the learned Single Judge to adjudicate on the issue expeditiously preferably within a period of two months. However, we decline to stay the interim direction for releasing the family pension to the petitioner-respondent(s).

5. The appeals stands disposed of in the above terms. A photocopy of this order be placed on the file of connected appeal.