



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

785

CWP-16943-2004

Date of decision: 24.04.2025

Usha Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Ms. Kulwinder Kaur, Advocate for  
Mr. Rajesh Punj, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

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**AMAN CHAUDHARY, J. (Oral)**

1. Prayer made in the present petition for quashing of order dated 13.09.2004 and directing the respondents for regularizing the services of the petitioner, might not, due to efflux of time, even be surviving.
2. Learned counsel also submits that despite best efforts she has not been able to establish contact with the petitioner.
3. Learned State counsel refers to preliminary objection Nos.1 to 3 of the written statement dated 17.02.2005 filed by respondent Nos.1 to 3 and 5, to which there was no rebuttal by filing any replication, which reads thus:-

“1. That the petitioner has not approached this Hon'ble Court with clean hands and has tried to mislead this Hon'ble Court. The petitioner has claimed that she was given appointment by the Management of school on compassionate grounds on 2.5.1983 on the death of her husband Raj Kumar on 6.7.1979. The perusal of the record attached with the writ petition belies the claim of the petitioner. The death certificate of the husband of the petitioner is (Annexure P-1) shows the date of death as 6.7.1999 and the same was registered in the office of the Registrar of Births and Death on 13.9.2000. further the resolution vide which the petitioner has been appointed as peon (Annexure P-2) doesn't support the claim of the petitioner. The case of the petitioner stands demolished on this factual matrix and the writ petitioner deserves to be dismissed on this ground of misleading the court and stating wrong facts only.

2. That the petitioner has given an undertaking by way of application dated 31.7.2000 address to Secretary (PTA) committee in which she has stated that she will not claim any benefit further of regular pays, she will continue her services on same pay, which



she is already drawing. Copy of the undertaking dated 31.7.2000 is annexed herewith as Annexure R-1 and its translation as Annexure R-1/T.

3. That the petitioner has filed the petition for quashing the order dated 13.9.2004 endorsed on 30.9.04 by the Director Public Instruction (s) Punjab Chandigarh. It is submitted that respondent NO.2 has passed the said order after the consideration of the claim of the petitioner for taking for her services as a peon from the date of taking over of the said school by the Government i.e. 12.6.2000 in compliance with the directions of the Hon'ble Court in CWP 6377/04. The said school has been taken over by the Government w.e.f. 12.6.2000, alongwith the eligible teachers as per instructions issued at the time of taking over of the said school vide letter dated 15.5.2000. it was mentioned in the said letter at condition C that only the eligible staff will be taken over who fulfill the conditions as per the Government qualification. The government has already fixed the qualification for Class-iv as would be 8th class pass vide letter dated 3.12.1998 (P-6). Since the petitioner has no such qualification thereby, her claim has been rejected by the DPI (S) Chandigarh vide order dated 13.9.04. Moreover, the said order has been passed following the rule of natural justice doesn't fulfill the conditions prescribed by the Government for the taking over the said school dated 15.5.2000 [R-2], Copy of the 15.5.2000 and its translation is appended as annexure R-1 and R 1/T herewith respectively, therefore, the order dated 13.9.04 passed by DPI is fully justified and legal.”

4. Disposed of, reserving the petitioner with a liberty to get it revived, in case *lis* still subsists.

**(AMAN CHAUDHARY)**  
**JUDGE**

**24.04.2025**

Hemant

Whether speaking/reasoned : Yes / No  
Whether reportable : Yes / No