

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24158/2004

(From the judgement and order dated 10/08/2004 in CWP No. 11588/2004 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SUMAN LATA

Petitioner(s)

VERSUS

STATE OF PUNJAB & ANR.

Respondent(s)

(With prayer for interim relief and office report)

(For final disposal)

Date: 19/10/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr. Neeraj Kumar Jain, Adv.

For Mr. Ugra Shankar Prasad, Adv.

For Respondent(s)

Mr. R.K. Rathore, AAG, Pb.

Mr. M.K. Verma, Adv.

For Mr. Arun K. Sinha, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard learned counsel for the appellant and counsel for
the respondents.

The appeal is disposed of in terms of the signed order.

(R.K. DHAWAN)

(VEERA VERMA

COURT MASTER

COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4586 OF 2006

(Arising out of SLP(C) No.24158 2004)

SUMAN LATA

.... APPELLANT.

VERSUS

STATE OF PUNJAB AND ANR.

.... RESPONDENTS.

O R D E R

Leave granted.

Heard learned counsel for the appellant and counsel for the respondents.

The appellant herein was initially appointed as PBX operator on 18.9.95 which is a class III post. In 1996, she was reverted to class IV post and continued till 2004. The appellant sought for regularization and the same was denied on the ground that at the time of her appointment as class III she was over-aged by two months. It is urged by the counsel for the appellant that PBX operator could either work as class IV or class III employee and had the appellant be appointed as class IV employee in 1995, she would have been well within the permissible age of appointment, but for her appointment to class III post in 1995, she was treated as age-barred and her services were terminated and she was not given regularization.

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Having regard to the peculiar circumstances, we are of the view that the appellant's case deserved to be viewed on sympathetic

consideration and the authorities should have considered her appointment towards class IV post, so that she could be treated as an employee appointed within the permissible age.

In the result, the State Govt. is directed to consider the case of the appellant for reinstatement to any suitable post, atleast within a period of three months. We make it clear that the appellant would not be entitled to any back-wages on any account for the period she was out of service.

The appeal is disposed of accordingly.

.J

.....
(K.G. BALAKRISHNAN)

.J

.....
(D.K. JAIN)

NEW DELHI;

OCTOBER 19, 2006.