

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.16286 of 2015

Date of decision: 13.8.2015

Gurcharan Dass and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Judgepreet Singh, Advocate for the petitioners.

G.S.SANDHAWALIA, J, (Oral)

The present writ petition has been filed challenging the order dated 27.8.2014 (Annexure P/5) whereby the claim of the petitioners for regularization has been rejected by respondent no.5-the District Education Officer, Moga.

The said respondent has noticed that though the petitioners have been working as chowkidar/peon as part time worker but they were appointed by the Gram Panchayat vide resolution no.2 dated 31.8.1995. No attendance register was also being maintained by the said Gram Panchayat and the wages were also being paid by the Gram Panchayat. Accordingly, request for regularization had been rejected.

Counsel for the petitioners submits that the petitioners have been working since 1995 and therefore, they are entitled for regularization. However, nothing has been shown with regard to their appointment orders by the competent authority. The certificate issued by the Headmistress, Government High School, Daulatpura Niwan (Moga) only shows that the petitioner no.1 for example had been appointed by the PTA committee since 31.8.1995. The said letter is only a recommendatory letter that the appointment may be done against vacant post on part time basis on the

post of Peon-cum-chowkidar and the same has been addressed to 'To whom it may concern'. Nothing has been placed on record to show that there was any appointment letter as such which would show that the petitioners have been employed by the State Government. In such circumstances, the order which had been passed by respondent no.5 denying the regularization is not liable to be interfered with in exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly, the present writ petition is dismissed.

August 13, 2015
Pka

(G.S.SANDHAWALIA)
Judge