

CWP No.3686 of 2015

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

**CWP No.3686 of 2015
Date of decision:02.03.2015**

Jagroop Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ashok Kumar Nabhewala, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The prayer made by the petitioners, 13 in particular, is for the issuance of a writ in the nature of *mandamus* directing the respondents to absorb them on regular basis by framing a scheme in terms of the order passed by this Court on 09.05.1990 (Annexure P-10).

Out of 13, 7 petitioners are above 45 years of age and 6 are between the age group of 51-55 years.

It is averred in the petition that the petitioners have been working as field workers/superior field workers in the Health Department and were employed between 1972 to 1996 for spraying medicine in order to control the diseases like malaria etc. They are allegedly matriculate or

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under matric and are asked to work again in the year 2014 as seasonal workers.

It is averred that a writ petition was filed by some of the workers in the State of Haryana bearing CWP No.9631 of 1988 with the prayer to absorb them in the Health Department as they were working for a short stint for spraying the medicine to control malaria. The said writ petition was disposed of on 09.05.1990 as per the observations made in para 7 of the order Annexure P-10. The petitioners have, thus, urged that since they have been again asked to work for the season 2014, therefore, they may be absorbed by framing a regular scheme.

Counsel for the petitioners has submitted that in another case bearing CWP No.14002 of 1996, the order was passed by this Court on 11.03.1997 hoping that the State of Punjab would take steps to frame an appropriate scheme for the seasonal workers like the petitioners which has not been prepared by the State of Punjab and the State of Haryana. Thus, they have prayed that they may be absorbed against the post for which they have been asked to work for the season 2014 on regular basis in terms of the order passed by this Court on 09.05.1990 (AnnexureP-10).

After hearing learned counsel for the petitioners and examining the record, I am of the considered opinion that no *mandamus* can be issued in favour of the petitioners and against the respondents because the very fact that the petitioners have been called for the season 2014 to work for 4-½ months, as alleged, either after 1992 or 1996, would itself show that there is no regular work with the respondent-department against which the

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petitioners can be regularly absorbed. Even otherwise, the petitioners have raked up a stale claim on the basis of an order of 1990.

Resultantly, the present writ petition is hereby dismissed being denuded of any merit.

March 02, 2015
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(Rakesh Kumar Jain)
Judge