

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.17540 of 1994 (O&M)
Date of Decision: 01.02.2016**

Bimla Devi

... Petitioner

Versus

Punjab State Electricity Board
and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sharwan Sehgal, Advocate,
for the petitioner.

None for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. The petitioner was appointed as a part-time Sweepress in 1974. Twenty years later she filed the present writ petition which is coming up for hearing after another 22 years. The claim is for regularization of services. The claim is based on policies Annexures P-3 to P-5 of the Punjab Government as adopted by the respondent-Corporation. The petitioner had substantial alternative remedy to raise this claim before the Labour Court but she did not ventilate her grievance on evidence. Though there is no bar in approaching this Court directly in a writ petition against a statutory body falling under Article 12 and amenable to Article 226 of the Constitution of India to enforce making service regular or for relief based on the principles of 'equal pay for equal work' or to consider cases for

absorption by way of regularization but then much water has flowed since then and presently the field is occupied by **Secretary, State of Karnataka vs. Uma Devi**, (2006) 4 SCC 1 which binds this Court against issuing any direction for regularization. The only way out of the predicament for the worker was to approach the Labour Court to enforce her rights before the industrial adjudicator which she could have as explained in **Maharashtra State Road Transport Corporation Ltd. vs. Casteribe Rajya P. Karmchari Sanghatana**, (2009) 8 SCC 556 distinguishing *Umadevi-3* from the standpoint of labour laws and especially the Industrial Disputes Act, 1947. The legal position regarding regularization of daily wage employees in the context of labour court adjudication has been recently explained by me in **Khajjan Singh v. State of Haryana & Others**, 2015 (1) SCT 604: 2015 (2) RSJ 135. Therefore, to consider claim of a part-time Sweepers for regularization by issuance of a direct writ of mandamus to the Corporation is ordinarily not maintainable before the writ court.

2. I would, therefore, with a heavy heart dismiss this petition with liberty to the petitioner to resort to her alternative remedy before the Labour Court.

(RAJIV NARAIN RAINA)
JUDGE

01.02.2016
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