

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

**CWP No.11047 of 2013 (O&M)
Decided on : 11.04.2016**

Kamaljit Singh, Law Officer and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Vikas Chatrath, Advocate and
Mr. Ajay Bhardwaj, Advocate
for the petitioners.

Mr. Avinit Avasthi, AAG, Punjab.

Mr. R.S. Khosla, Senior Advocate with
Mr. K.S. Mamrat, Advocate
for respondent No.2-PUDA.

Mr. D.V. Sharma, Senior Advocate with
Mr. S.K. Yadav, Advocate
for respondent No.3.

G.S. Sandhawalia, J. (Oral)

Petitioners seek the quashing of the order dated 06.05.2013 (Annexure P-17), whereby their relief for regularization of services while working on contract basis has been declined by respondent No.2-Punjab Urban Development Authority (PUDA). The said relief of regularization is claimed on the strength of instructions dated 18.03.2011 (Annexure P-8) and 17.11.2011 (Annexure P-9).

Perusal of the impugned order would go on to show that respondent No.2 has come to the conclusion that matter

regarding the regularization of services of the contractual staff working in the various special authorities cannot be considered by PUDA.

The petitioners are law officers and working on contract basis with respondent No.3-Greater Mohali Area Development Authority, since 09.06.2009 (Annexure P-2) on contract and thereafter on extension.

In pursuance of the order dated 13.07.2015, respondent No.1 has filed an affidavit dated 11.09.2015. The relevant affidavit reads as under:-

“That in view of above, it is submitted that regular posts have been sanctioned for all the Development Authorities including GMADA. However, as per decision dated 01.09.2010, now appointment of all the regular staff in any Development Authority is to be made by PUDA.”

Mr. Sharma, senior counsel for respondent No.3 submits that the decision, thus, of regularization is to be made by respondent No.2, on the strength of the above said para.

Counsel for the petitioner, however, submits that in view of the abovesaid, the decision would only be regarding the appointment of the regular staff, who were appointed after 01.09.2010 and therefore the authority-respondent No.3 is to decide the issue as the petitioners were appointed before the said date.

From the above, it would be clear that the petitioners

are only seeking consideration of regularization and are being made a shuttle cock between respondents No.2 and 3 and the decision making process is being avoided.

In such circumstances, this Court is of the opinion that the respondent No.1 shall take a decision and forward the claim of the regularization to the competent authority of the respondents No.2 or 3 within a period of one month from the receipt of the certified copy of this order. Thereafter, the said competent authority to whom the decision making process has been referred to shall take a call on the same within a period of two months, thereafter.

It would be appropriate, if the petitioners are associated with the said decision making process by the competent authority during the hearing at the time of consideration of the case of said regularization. Since, the petitioners have been working since 2009, it would be appropriate that their services would not be dispensed with till the time of decision making process is completed.

In case any adverse order is to be passed, the same may not be acted upon for a period of 4 weeks, thereafter.

With the aforesaid observations, the present writ petition stands disposed of.

APRIL 11, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE