

CWP No. 1073 of 2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 1073 of 2014
Date of Decision : 10.05.2016

Sh. Ram Nath and others

...Petitioners

Versus

The Bhakra Beas Management and others

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

- 1) *Whether Reporters of the local papers may be allowed to see the judgment?*
- 2) *To be referred to the Reporters or not?*
- 3) *Whether the judgment should be reported in the Digest?*

Present: Mr. R.L. Sharma, Advocate for the petitioners.

Mr. Vikas Suri, Advocate for the respondents.

P.B. Bajanthri, J.(Oral)

The instant writ petition has been filed under Articles 226 and 227 of the Constitution of India for quashing the order dated 08.11.2013 (Annexure P-12) passed by respondent No. 3 vide which claim of the petitioners for regularization of their services to various posts had been declined.

Learned counsel for the petitioners submitted that the petitioners had worked against the posts mentioned in the

petition. The details of the service rendered by the petitioners are as follows :-

Sr. No.	Name and address	Category	Date of birth	Qualification	Experience
1	Sh. Ram Nath s/o Sohan Lal, r/o VPO Berthin, Tehsil Jhunduth, Distt. Bilaspur	Silt Analysis	15.4.1961	10+2 Science	From the year 1983 to till date
2	Sh. Jai Bhagwan s/o Sh. Ram Chander Goyal, r/o Bartan Bhandar Pahari Market Nangal.	Silt Analysis	10.10.1963	10+2 Science	From the year 1988 onwards to till date
3	Sh. Rashim s/o Sh. Sunder Singh, r/o H. No. 100/3, Raura Sector No. 2, Bilaspur	Silt Analysis	11.06.1979	+2 Science and Graduate in Arts	1997 to till date
4	Sh. Tarsem Singh s/o Sh. Shanker Singh, r/o village Baddu, P.O. Bari Magharwin, Tehsil & District Bilaspur	Assistant Laboratory Assistant	04.11.1963	10+2 Pass	1997 to till date
5	Sh. Roshan Lal s/o Sh. Tulsi Ram, r/o village Gaon, P.O. Berthin, Tehsil Jhanduta Distt. Bilaspur	Assistant Laboratory Assistant	02.05.1973	10 th Pass	1997 to till date

On 11.05.2012, respondent-Board introduced a scheme, namely, regularization of daily rated/work charged workers on roll in BBMB as on 31.12.2010 against vacant posts. For the purpose of regularization of daily rated/work charged workers, two conditions were imposed, which read as under :-

- (i) A worker had been continuing the work for 10 years or more as on 31.12.2006,*
- (ii) Still working, without any bar on number of days worked.*

Learned counsel for the petitioners submitted that

the petitioners do not satisfy the conditions imposed in the scheme dated 11.05.2012 (Annexure P-3). The petitioners were working uninterruptedly and, therefore, they are entitled for regularization of services under the scheme (Annexure P-3). Hence, communication dated 08.11.2013 (Annexure P-12) is contrary to the facts.

Learned counsel for the respondent-Board submitted that along with the written statement in Annexure R-3, service particulars of the petitioners has been prepared. In the written statement, it is evident that in the years 2007 and 2012, the services of the petitioners were not engaged for want of work. Therefore, the petitioners do not fulfill the conditions stipulated in Annexure P-3 that they were not working in the year 2012, the date on which the scheme was issued i.e. 11.05.2012.

In view of the factual aspect relating to service particulars of the petitioners, claim of the petitioner for regularization has been rightly rejected as they did not fulfill Clause-2 i.e. 'still working' because they have not worked during the year 2007, for want of work in the Sub Division. Therefore, there is no infirmity in the order dated 08.11.2013 (Annexure P-12).

In view of these facts and circumstances, no interference is called in respect of Annexure P-12 dated 08.11.2013. However, this order will not come in the way of

respondents to re-consider the petitioners' claim by relaxing the provision 'still working, without any bar on number of days worked'.

Having regard to the service rendered by the petitioners from 1983, 1988 and 1997 till date with certain break in the year 2007. If non-working in the year 2007 was beyond their control, since there were no work in the Sub Division. Now condition for regularization is coming in the way. The petitioners are low paid employees. Board may take sympathetic view in re-considering the matter of regularization of the petitioners' service.

Petition stands disposed of in above terms.

Board is directed to take a decision within a period of six months from today.

May 10, 2016.
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(P.B. BAJANTHRI)
JUDGE