

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

Date of decision: 03.06.2016

CWP No.11941 of 2016

Balwinder Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Dheeraj Mahajan, Advocate, for the petitioner.

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

RAJIV NARAIN RAINA, J. (ORAL)

Mere forwarding of a claim to regularisation of service by the office to the quarters concerned does not establish a right to regularisation till a final decision is taken by the authority competent and officially communicated to the claimant.

The petitioner came to this Court earlier by way of CWP No.11575 of 2015, which was disposed of by order dated 22.12.2015 and the respondents were directed to take a decision on the case of the petitioner. The present petition has been filed against the impugned order passed in the wake of the order passed by this Court directing the respondents to decide the representation of the petitioner. In the impugned order, it has been noticed to reject the claim that there is no provision in the Agricultural Technology Management Agency (ATMA) for regularisation of Class IV employees.

Learned counsel for the petitioner says that ATMA was a Central Government sponsored scheme run by the Department of Agriculture, Government of Punjab supported by central funds.

It is well settled that in the absence of policy of regularisation, cases of employees like the petitioner cannot be considered. The petitioner is not a servant of the Government of Punjab and works with an Agency whose status as an authority of the State is not demonstrated in the petition.

Consequently, I do not find any ground to interfere in the present writ petition under Article 226 of our Constitution and would dismiss it in limine.

However, the petitioner is at liberty to pursue his administrative remedies or establish prima facie or on realty check that a writ of mandamus lies against ATMA.

[RAJIV NARAIN RAINA]
JUDGE

03.06.2016
Vimal