

**CWP No.20246 of 2012**

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

**CWP No.20246 of 2012**

**Date of Order: 11.08.2016**

Vishavdeep

....Petitioner

Versus

State of Punjab and Ors.

....Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Damanjit Sandhu, Advocate for the petitioner.

Mz. Sudeepti Sharma, DAG, Punjab.

Mr. Ashish Verma, Advocate for respondent Nos.4 & 5.

**JASWANT SINGH, J (ORAL)**

The petitioner was short listed and empanelled for job work as Assistant System Manager by the Punjab Information and Communication Technology Corporation Limited vide letter dated 16.9.2008 (**P.2**). The Punjab Pollution Control Board-respondent No.4 made a request to Punjab Infotech Limited for providing the services of a System Analyst on job work basis. The period of job assignment was prescribed to be firstly for three months on payment of Rs.15000/- per month, which were to be paid to the Corporation engaged in providing Computer Professionals. Accordingly, the petitioner, vide letter dated 16.10.2009 (**P.7**) was

deputed in the department of Punjab Pollution Control Board as Assistant System Manager on contract basis for three months (one time) w.e.f 01.11.2008 till 29.1.2009. Thereafter, the contract was extended from time to time until it expired on 31.3.2012 and after that no extension was granted. The petitioner, on 16/19.9.2012 filed this writ petition seeking a Mandamus to the Punjab Pollution Control Board for regularizing his services in terms of the Policy dated 18.3.2011 **(P.13)** of the Government as extended to Board/Corporations vide Instructions dated 17.11.2011 **(P.12)**.

Upon notice, the contesting Punjab Pollution Control Board has filed its reply wherein it is categorically stated that there was no relationship of employee and employer between the petitioner and the answering respondent-Pollution Board. The consolidated payment of Rs.15000/- for the job work done by the petitioner on contract basis was paid to the Punjab Infotech, who was responsible for disbursing the amount to the petitioner. It is further stated that upon investigations, it was found that the petitioner had destroyed the data relating to online applications in order to put pressure for regularization of his services. Accordingly, a criminal complaint had also been forwarded for registration of a Cyber Crime as detailed in Annexure **R.4-5/A & B**. It is also submitted that the post of System Analyst is governed under the provisions of Punjab Pollution Control Board Employees Service Regulations 2002 and the services of the petitioner were provided on the request of the Punjab Pollution Board on purely contractual basis and that the petitioner was never recruited either

on temporary basis or on ad hoc basis.

Learned counsel for the petitioner has argued that the Pollution Control Board was the principal employer of the petitioner and that although the employment of the petitioner was contractual, however, it was continuous and against work available on continuous basis, which is still existing, however, his services have been dispensed with solely to victimize him for seeking regularization.

On the other hand, it is contended by learned counsel for respondent Nos.4 & 5 that firstly, there is no relationship between the employee and the employer and the services of the petitioner being on contractual basis were secured on job work basis through the Punjab Infotech, service provider. Still further, assuming if the regularization Policy is applicable to the petitioner, he does not fulfill the parameters provided in the Regularization Policy (**P.13**) wherein it is specifically *inter alia* laid down that the work and conduct of the employee should be satisfactory.

On due consideration of the rival arguments and the pleadings, it is evident that there was no relationship of employer and the employee between the petitioner and the Pollution Control Board. The petitioner was a contractual employee of the Punjab Infotech, who was assigned to execute works with the Pollution Control Board. From the documents annexed with the written statement, it is also apparent that the work and conduct of the petitioner was not satisfactory and, therefore, even otherwise he would not be covered under the regularization policy for grant of any relief.

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As a sequel to the aforesaid discussion, this Court finds  
no merit in the petition.

Dismissed.

**August 11, 2016**  
**manoj**

**(JASWANT SINGH)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No