

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19310 of 2016

Date of Decision:- 19.09.2016.

Bhajan Singh

.....Petitioner

Versus

National Fertilizer Limited and others

.....Respondents

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

Present: Mr. Arvind Galav, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioner is seeking for the following relief:-

“ii) issue an appropriate writ, order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case, especially in the nature of mandamus directing the respondents to consider the case of the petitioner for regularization against the post of Office Assistant Gd.III in terms of para 44 of Constitution Bench Judgment of the Hon'ble Supreme Court of India in the case of Secretary, State of Karnataka Vs. Uma Devi reported in 2006 (2) SCT 462 SC; 2006 (3) SLR 1 SC as followed in the case of State of Karnanaka Vs. M.L. Kesari and others reported in 2010(3) SCT 679 SC against one of the post advertised vide public advertisement dated 09.06.2016 (Annexure P/1) by relaxing the age requirement and grant all

consequential benefits by holding the action of the respondents in not considering the case of the petitioner for regularization despite continuous service more than 15 years without any break on the post of Office Clerk-cum-Computer Operator which has now been advertised vide advertisement dated 09.06.2016 (Annexure P/1) under the nomenclature of Office Assistant Gd.III depriving the petitioner even to apply for the post on having become overage and making the payment of salary through contractor without there being any NIT as wholly illegal, unlawful, arbitrary, unconstitutional and in violation of principles of natural justice and further amounting to adoption of unfair labour practice as defined under Section 2(ra), Fifth Schedule of the Industrial Disputes Act, 1947.

(iii) In alternate direct the respondents to consider and decide the claim made out in the representation dated 08.07.2016 (Annexure P/2 Colly) followed by the reminder dated 10.9.2016 (Annexure P/6) and pass appropriate orders regularizing the services of the petitioner with all consequential benefits against one of the post of office Assistant Gd.III advertised vide Annexure P/1.”

2.) The petitioner is stated to have been appointed as Typist, Computer Operator and Office Clerk-cum-Computer Operator. He has discharged the duties of Clerk for the last 15 years. It is stated that he has submitted representations to the respondents to consider his name for regularization. The representations are dated 8.7.2016 and 10.9.2016 vide Annexures P-2 and P-6, respectively. The respondents are directed to consider the grievance of the petitioner for regularization in terms of the

Hon'ble Supreme Court decision in **Secretary, State of Karnataka Vs. Uma**

Devi reported in 2006 (2) SCT 462 SC; 2006 (3) SLR SC read with **State of Karnanataka Vs. M.L. Kesari and others reported in 2010(3) SCT 679 SC**

read with policy relating to regularization, if any. Grievance of the petitioner shall be considered by the respondents in accordance with law and pass speaking order within a period of four months from today and communicate the same to the petitioner.

3.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

September 19, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.