

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 7494 of 2016
Date of decision: 13.05.2016

Parvinder Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Aakash Juneja, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges the order dated 27.01.2016 (Annexure P-11) whereby, respondent no. 6-Director, Public Instructions (Colleges) has declined to consider his claim for regularization. The reason given is that the petitioner has been engaged from a service provider and earlier he was working on a purely temporary basis through respondent no. 7-Punjab Information and Communication Technology Corporation Ltd. as a Data Entry Operator on a temporary post. Reliance has been placed upon the judgment of the Division Bench in *Nishan Singh and others vs. State of Punjab and others, 2014 (1) SCT 33* to come to a conclusion that the appointment as such would amount to a backdoor entry to public employment and a service provider is not an agency of the State to make recruitment against civil posts. It has also been noticed that earlier the petitioner's services had been terminated on 05.05.2015 and thereafter he has been engaged through Aman Security and Detective (Regd.), Chandigarh.

A perusal of the paper book would also go on to show that initially, in pursuance of an advertisement for empanelment on job work basis (Annexure P-1), the Corporation had called for applications. Keeping in view the same, the petitioner was selected and empanelled on 12.06.2008. Thereafter, on 20.06.2008 (Annexure P-4), he was assigned the work with respondent no. 6 on a fixed payment of ₹5,000+EPF+PF+ESI+service charges etc. It is thus, apparent that respondent no. 6 has never as such appointed the petitioner in any manner and it was only through the Corporation, the petitioner's services have been requisitioned for some particular job work. As per the impugned order, even those services were dispensed with and now he is working through another service provider. The said issue of being employed through the service provider was noticed by the Division Bench in *Nishan Singh's case (supra)* and the claim for regularization was declined by holding that it would be in contrast to the observations of the Apex Court in ***Secretary, State of Karnataka vs. Uma Devi, 2006 (2) SCT 462***.

In such circumstances, the impugned order dated 27.01.2016 (Annexure P-11) does not suffer from any legal infirmity which would warrant interference under Article 226 of the Constitution of India and the present writ petition is accordingly dismissed.

13.05.2016
shivani

(G.S. SANDHAWALIA)
JUDGE