

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

Date of decision:23.01.2017

Didar Singh

.....Petitioner

VS

Dr.Roshan Sunkaria and another

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.RS Bains,Advocate for the petitioner.

Jaswant Singh,J(Oral)

Petitioner filed CWP 22673/2011 seeking to restrain the Department of Higher Education,Punjab from proceeding to regularise part time contract Lecturers in terms of some regularization policy. It was alleged that the order to regularise them was in violation of the law laid down by Hon'ble the Supreme Court in **State of Karnataka and others v Uma Devi and others, AIR 2006 SC 1806(1)**, as also decision dated 9.8.2001 rendered by a Division Bench of this Court in **Kulbhushan Singh v State of Punjab (CWP 1764/2001)**, specifically dealing with the issue of regularization of part time employees. In the aforesaid CWP 22673/2011 the following interim order dated 23.12.2011 was passed:-

“Reply on behalf of the State has been filed in Court. The same is taken on record.

Learned counsel for the petitioner submits that apart from law laid down by the apex Court in *State of Karnataka and others v Umadevi and others* AIR 2006 Supreme Court 1806(1), this Hon'ble Court has dealt with the issue of regularization of part time lecturers in CWP No.1764/2001 *Kulbhushan Singh v The State of Punjab and others*. According to him, some of the part

time lecturers, now sought to be regularized, were in fact petitioners in the said case.

Mr.Khosla,learned Addl.Advocate General, Punjab submits that the judgment in Kulbhushan Singh's case (supra) shall be examined by the State and it shall be ensured that no order is passed in violation of same and Uma Devi's case (supra).

To come up on 23.2.2012.”

The said writ petition is stated to be pending till today.

It is contended that the same respondents/ part time employees covered in the aforesaid order dated 23.12.2011 are being regularized by invoking the powers under the Punjab Ad hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act,2016, promulgated by the State of Punjab. It is contended that the Act itself is in violation of the directions passed by the Hon'ble Supreme Court and this Court.

After arguing for sometime and having failed to make out a case for contempt, counsel prays for permission to withdraw the present petition to enable his client to seek remedy in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

23.01.2017
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No