

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15230 of 2013
Date of Decision:-14.02.2017.

Satish Kumar

.....Petitioner

Versus

The State of Haryana and another

.....Respondents

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

Present: Mr. I.D. Singla, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant case, petitioner has questioned the validity of the order dated 25.6.2013 vide Annexure P-6 by which his claim for regularization to the post of Water Pump Operator Grade-II has been rejected.

2.) Learned counsel for the petitioner submitted that the petitioner was initially appointed as a Water Pump Operator Grade-II on daily wage basis w.e.f. 4.1.1991 and he continued till 31.8.1991, the date on which he was posted as a Mali-cum-Chowkidar. His services were regularized for the said post w.e.f. 1.2.1996. Thereafter, the petitioner came to know that similarly situated persons who were initially appointed as a Water Pump Operator Grade-II and subsequently their services have been regularized in

Mali-cum-Chowkidar. Their claim has been re-considered by the

respondents while regularizing their services in the post of Water Pump Operator Grade-II. Therefore, there is a discrimination in not extending the benefit of regularization to the petitioner in the cadre of Water Pump Operator Grade-II. Hence, the impugned order dated 25.6.2013 is liable to be set aside and respondents be directed to regularize the petitioner's services as a Water Pump Operator Grade-II w.e.f. 1.2.1996 in the pay scale of ₹ 950-1400 along with the consequential benefits.

3.) On the other hand learned counsel for the respondents vehemently contended that the petitioner do not fulfill the qualification prescribed for the post of Water Pump Operator Grade-II. Hence, he is not entitled for regularization in the said cadre. It was further submitted that on the question of discrimination is concerned, the respondents have not noticed the Rules of Recruitment governing the post of Water Pump Operator Grade-II. Therefore, an error committed while extending benefit of regularization to others which is illegal cannot be extended to the petitioner.

4.) Heard learned counsel for the parties.

5.) Crux of the matter in the present petition is whether the petitioner is entitled for regularization in the cadre of Water Pump Operator Grade-II or not. Admittedly, the petitioner was appointed as a Pump Operator for a period of 7 months and thereafter, he was posted as a Mali-cum-Chowkidar. Consequently, his services have been regularized in the post of Mali-cum-Chowkidar. In this backdrop, the petitioner is entitled to regularization in the cadre of Mali-cum-Chowkidar for the reasons that he has not discharged the duties of the post of water Pump Operator Grade-II

prescribed qualification for the post of Water Pump Operator Grade-II. The method of recruitment for the post of Water Pump Operator Grade-II reads as under:-

14	Water Pump Operator Grade-II	i) Rs.100-4-140/5-160 (W/C). ii) Rs.400-10-490/540-15-600 (Regular).	Operation of Electric & Diesel driver Pumping sets.	i) I.T.I. Certificate in the trade of Motor/Tractor/ Diesel/Electric Mech. ii) Literate should be min. exp. Of 5 years & field tests.	i) Should be literate Keyman/Oilman with ii) Other category i.e. literate Chow./Beldar F/Coolies with 7 years exp. & field test.
----	------------------------------	---	---	--	---

Admittedly, the petitioner do not fulfill the qualification of I.T.I. Certificate in the trade of Motor. Therefore, the petitioner has not made out a case so as to interfere with the impugned order dated 25.6.2013 (Annexure P-6).

6.) Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

February 14, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.