

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

1. CWP No. 12277 of 2016

Harwinder Kaur ...Petitioner

Versus

Punjab School Education Board & Another ...Respondents

2. CWP No. 7607 of 2016

Ranjeet Singh & Another ...Petitioners

Versus

Punjab School Education Board & Another ...Respondents

3. CWP No. 10242 of 2016

Jagseer Singh & Another ...Petitioners

Versus

Punjab School Education Board & Another ...Respondents

4. CWP No. 5795 of 2016

Rajwinder Singh & Another ...Petitioners

Versus

Punjab School Education Board & Another ...Respondents

Date of Decision: 20.03.2017

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Baljinder Singh Ichhewal, Advocate
for the petitioner(s).

Mr. R. S. Kalra, Advocate
for the respondent(s).

JAISHREE THAKUR, J. (Oral)

This order shall dispose of the above noted four writ petitions

as the issues involved therein are identical. However, for the sake of convenience, facts are being extracted from CWP No. 12277 of 2016.

2. The instant writ petitions have been filed under Article 226/227 of the Constitution of India *inter alia* claiming that the petitioners would be entitled to regularization of their services on account of the fact that they have worked for more than seven years with respondent-Board. In this regard, reliance was placed upon a judgment rendered in ***U.P. Electricity Board vs. Puran Chandra Pandey and others, 2007 (4) SCT 622.***

3. Learned counsel for the petitioners contends that the petitioners herein had joined the Board as Daily Wagers/Work Charged employees and had worked to the entire satisfaction of the authorities for the past seven years. It is contended that in the case of ***Puran Chandra Pandey (supra)***, it has been settled that the claim of the regularization of services of the employees working on daily wages for years must be considered.

4. Per contra, learned counsel appearing on behalf of the respondent-Board contends that the petitioners herein, who were appointed on daily wages/work charge basis, would not be entitled to regularization as claimed. In fact, a policy decision was taken on 18.03.2011, wherein, it was decided that the services of daily wagers/work charged employees, who had completed 10 years of service in December, 2006, would be considered for regularization. Para 2(i) of the said policy specified the daily wagers/work charged employees, who had completed 10 years in December, 2006, are to be appointed on regular basis and for the said purpose posts may be created and all the employees, who are eligible and fulfill the criteria as per the rules/regulations governing the post, be appointed on the said post. It is submitted that the petitioners herein would not fall within the ambit of the

policy dated 18.03.2011 as they came to be appointed in the year 2010. As per the said policy, they ought to have completed 10 years of service in December, 2006 and in this situation, none of the petitioners are entitled to regularization.

5. Counsel for the petitioner is not in a position to dispute the fact that the petitioners have not completed 10 years in service in December, 2006.

6. I have heard learned counsel for the parties and found that the policy dated 18.03.2011 itself clearly laid down the criteria for consideration of regularization of daily wagers/work charged employees as a one time measure and the petitioners herein do not fall under the criteria, therefore, the petitioners would not have A legitimate right to claim regularization.

7. Learned counsel for the petitioners herein submits that recently the Government of Punjab has notified **The Punjab Ad hoc, contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016** (*for short '2016 Act'*), wherein under Section 4, it has been specified that Group 'D' employees, who are working on ad hoc, contractual, daily wage, temporary or work charged basis under the State Government or its entities for a continuous period of not less than three years preceding the date of coming into force of this Act shall be regularized by the competent authority in such service of the State Government or its entities, subject to the various conditions and the petitioner would be covered under the said Act.

7. However, a reading of the Section also shows that there is proviso that has been added to Section 4 which specifies that “*entities of*

the State shall consider regularization only if such entity is in a financial position to take the burden of such regularization on its own without transferring any liability to the State exchequer.”

8. At this stage, it is also brought to the notice of this Court by the counsel for the respondents, that the Board is seized of this matter, and yet to take conscious decision as to whether or not it can bear the financial burden of regularizing the services of the employees belonging to Group A, B, C and D. Therefore, in view of the above, no directions can be issued in this regard.

9. In this eventuality, since the petitioners herein do not satisfy the criteria of having 10 years of service as specified in the instructions/policy dated 18.03.2011, the above noted writ petition are being disposed of giving liberty to the petitioners herein to approach the respondent-Board for consideration of their claim for regularization under the aforesaid 2016 Act.

March 20, 2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*