

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

CWP No. 21251 of 2014 (O&M)
Date of decision: February 8, 2017

Nasib Singh and others

...Petitioners

Versus

The State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. PK Goklaney, Advocate,
for the petitioners.

Mr. TN Sarup, AAG, Punjab.

JAISHREE THAKUR, J.

1. The petitioners herein pray for regularization of their services against the posts of Pump Operator (Junior Technicians), in view of the Policy dated 18.3.2011. It is contended that they have been in regular service with the department for over a period of 20 years. Petitioner No.1 No.1 joined on 19.3.1993, petitioner No. 2 joined on 1.7.1992, petitioner No.3 joined on 10.6.1991, petitioner No.4 joined on 12.6.1992 and petitioner No.5 joined on 16.7.1996. It is contended that having necessary experience on account of the fact that they had worked for over 20 years, they are entitled to be regularized in service.

2. Learned counsel for the petitioners contends that similar matter came up for hearing in **CWP No. 5366 of 1996 titled Balvir Singh Versus**

The State of Punjab and others decided on 8.7.1996, CWP No. 14160 of 1997 titled Sham Singh and others Versus State of Punjab and others decided on 5.5.2006 and lately in CWP No. 23430 of 2012 titled Jagpal Singh Versus State of Punjab and others decided on 8.9.2014, wherein co-ordinate Benches had directed the respondents—State to consider the case of the petitioners for regularization and to grant them benefits from the date of their entitlement with all consequential benefits.

3. Per contra, learned counsel appearing on behalf of the State submits that the petitioners herein do not have the requisite qualifications of Matric with I.T.I. Certificate, as provided under the rules. Therefore, their services could not be regularized as Pump Operators.

4. I have heard learned counsel for the parties and have gone through the record as well as the the judgments as relied by the learned counsel for the petitioners.

5. Admittedly, the petitioners herein have been working on the post of Pump Operators for over 20 years. To date, their work and conduct has been satisfactory and there is no complaint whatsoever regarding the same. They have gained enough experience in this regard which would stand on equal footing, if compared with the employees possessing certificate of I.T.I. Having regard to the length of service and the fact that the qualification was not concealed by the petitioners, while seeking employment and there was no complaint with regard to their work and conduct, the dictum of the Hon'ble Apex Court in **Bhagwati Prasad Versus**

Delhi State Mineral Development Corporation, 1990 (1) RSJ 255 will come to the rescue of the petitioners herein in which the Hon'ble Bench held that the petitioners have a right to continue on the post of Pump Operators having regard to the fact that they have gained enough experience on the said post.

6. Furthermore, the judgment rendered in **Jagpal Singh's case (supra)**, in which direction has been issued to regularize the service of the petitioner therein as Pump Operator, came to be challenged in **LPA No. 113 of 2015 titled State of Punjab and others Versus Jagpal Singh decided on 3.3.2015**. The Hon'ble Division Bench upheld the order so passed by the learned Single Judge.

7. Therefore, relying upon the judgments referred to above, the writ petition is allowed and it is held that the petitioners who have gained enough experience as Pump Operators cannot be denied regularization. The only ground for non consideration is that they do not have the requisite qualifications, but as noticed above, their experience is equivalent to any certificate that they might have obtained.

8. Consequently, the writ petition is allowed, impugned order dated 31.8.2012 (Annexure P/5) is set aside and the respondents are directed to consider the case of the petitioners for regularization in the light of what has been observed above and in the light of the fact that similar relief has already been granted to the similarly situated employees in the writ petitions disposed of by this Court, referred to above. The petitioners herein would

be entitled to grant of benefits from the date of their entitlement with all consequential benefits. Let the needful be done positively within three months from the date of receipt of a certified copy of this order.

February 8, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No