

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

**CWP No.16087 of 2017
Date of decision: 25.07.2017**

Amandeep Kumar

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. R.V.S. Chugh, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

This writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of order/action of respondents No.2 and 3, vide which, the claim of the petitioner for regularization has been declined. A further prayer has also been made for direction to respondents to consider the petitioner for regularization of his services and to appoint him on regular basis as per the decision of Government of Punjab dated 31.10.2011 (Annexure P-2).

Learned counsel for the petitioner submits that the petitioner is aggrieved by the action of the respondents as his claim for regularization has been declined only on the ground that two family members are working and only one family member is to be regularized.

On perusal of documents available on record including resolution and proceedings duly approved on 31.10.2011 under the Chairmanship of Chief Minister, a decision was taken by associating

representatives of unions, which is as under:-

“1. Regarding making temporary employees permanent

(a) The local Government Department vide letter no.S1-GS-DSS-08/36066-70 and 36071-76 dated 25.11.2008 had directed all the Commissioners-Municipal Corporation and all the Regional Deputy Directors, Local Government that for regularizing the services of sweepers working in Mohalla Sanitation Committees, the cut-off date had been fixed as 01.04.2008. Now it is being decided that the temporary or employees working in the Mohalla Sanitation Committees who were in service on 01.04.2008 and who are in service in present also, their services are being regularized. Regarding this the proceedings are to be initiated by the concerned urban local institutions on their basis themselves.

(b) The temporary employees working on contract which have been appointed through proper channel and who have completed three years of service, the decision for regularizing their services has been taken.

(c) Other daily wager, work charge etc. employees who are working and have completed 10 years of service in December 2006, the services of those have been decided to be regularized. Regarding this the proceedings have to be initiated by the concerned urban local institution on their basis themselves.”

Accordingly, total 86 eligible candidates have been regularized and remaining 138 employees have been kept on DC rates. Vide resolution No.34 dated 30.06.2011, it has been approved to regularize one member

from one family. Cases of six sweepers have been rejected by the Selection Committee. The Government has fixed the time for regularization on 30.11.2011. Resolution No.34 dated 30.06.2011 has not been challenged. The decision for regularization has been taken on the basis of said resolution. It was a policy decision that in case, more than one family members are working then benefit cannot be given.

The case of the petitioner falls in the category of 'Couple Case' and not only the petitioner but other similarly situated persons have not been regularized on this ground. Without challenging the resolution, no benefit can be granted.

Accordingly, the present writ petition being devoid of any merit is hereby dismissed.

However, the petitioner is at liberty to challenge the resolution, if any.

25.07.2017
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable No