

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22516 of 2014
Date of Decision:-24.03.2017.

Sukhdeb Singh

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

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

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

Mr. Hitesh Pandit, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has questioned the validity of the order dated 3.9.2014 vide Annexure P-3 by which his claim for regularization in the cadre of Water Pump Operator-II has been rejected. The post of Water Pump Operator-II is governed by executive order dated 23.11.1981. An extract of method of recruitment to the post of Water Pump Operator-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 Driven 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.
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It is undisputed that the petitioner do not fulfill the first

qualification, namely, I.T.I. Certificate in the trade of motor/tractor/diesel electric mechanic. Whereas, learned counsel for the petitioner vehemently contended that one cannot acquire both the qualifications prescribed for the post of Water Pump Operator-II. It was further contended that in respect of qualification prescribed for promotion and direct recruitment to the post of Water Pump Operator-II should have been either of the qualifications, namely, (i) or (ii). It was further contended that the respondents have taken into consideration that the petitioner do not possess the first qualification prescribed for the post of Water Pump Operator-II. Therefore, denial of regularization with reference to the above provision is incorrect. It has to be held as either of the qualification.

Per contra, learned counsel for the respondents submitted that admittedly, the petitioner do not possess first qualification, namely, ITI Certificate in the respective trade. Hence, the petitioner is not entitled for regularization against the post of Water Pump Operator-II. Therefore, there is no infirmity in the order Annexure P-3.

Heard learned counsel for the parties.

Short question for consideration in the present petition is whether the petitioner is entitled for regularization against the post of Water Pump Operator-II or not. Method of recruitment to the post of Water Pump Operator-II is by direct recruitment and promotion. For direct recruitment, two qualifications have been prescribed cited (supra). Admittedly, the petitioner do not possess the first qualification of ITI Certificate in the respective trade. Therefore, the petitioner has not made out a case so as to seek quashing of order dated 3.9.2014 Annexure P-3 and

to the post of Water Pump Operator-II.

Accordingly, petition stands dismissed.

At this stage, learned counsel for the petitioner vigorously submitted that in the absence of first qualification large number of daily wagers or *ad hoc* employees services have been regularized against the post of Water Pump Operator-II by the respondents. Therefore, there is a discrimination among the *ad hoc* employees while regularization of their services. If the respondents have committed wrong, the same cannot be repeated by this Court ignoring the mode of recruitment to the post of Water Pump Operator-II and requisite qualification prescribed. Hence, the above contention is hereby rejected.

(P.B. BAJANTHRI)
JUDGE

March 24, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.