

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

**CWP No. 22473 of 2015
Date of decision: 25.04.2017**

Renu

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Harnek Singh, Advocate,
for the petitioner.

Mr. L.S. Virk, Addl. A.G., Punjab.

Mr. Sahil Thakur, Advocate,
for respondent No.4.

JAISHREE THAKUR, J.

1. The petitioner herein is seeking regularization on the post of Sweeper on the basis of Government instructions dated 14.11.2011 issued by the Director, Local Govt. Punjab, Chandigarh.

2. The petitioner herein was appointed as part time Sweeper in the Municipal Council Phillaur, District Jalandhar on 19.04.1999. Director, Local Govt. Punjab, granted approval to regularize the services of 16 Sweepers by resolution No. 54 dated 19.06.2012. The Municipal Council, Phillaur, Jalandhar by letter dated 14.10.2013 recommended the case of the petitioner as others for regularization of their services. The Regional Deputy Directory, Local Govt. Jalandhar forwarded the said recommendation by letter dated 12.08.2013 to the Director, Local Govt. Punjab. However, since

no orders were passed on regularization, the instant writ petition has been

filed.

3. Learned counsel appearing on behalf of the petitioner contends that after having worked diligently on the post since 1999 she is entitled to be regularized.

4. Per contra, learned counsel appearing on behalf of the respondents submits that a meeting was held on 30.10.2011 under the Presidentship of Hon'ble Chief Minister with regard to the demands of the Safai Karamchari / part time employees for regularization. A decision was taken thereon with regard to regularising the services of temporary employees and it was decided that those temporary employees who were working as Safai Karamchari in the Sanitation Committees on 01.04.2008 and are still in service would be regularized, those employees who were working on contract basis and were appointed through proper channel on completion of three years of service would also be regularized and only those daily wager, workcharge employees would be entitled to regularization who had completed 10 years of service in the month of December, 2006. The petitioner was not a temporary employee nor was appointed on contract, and appointment was as a part time Sweeper in the year 1999 and, thus, would not be entitled to regularization as she had not completed 10 years service as on December 2006.

5. I have heard learned counsel for the parties and have perused the record of the case.

6. Admittedly, the petitioner herein was appointed as a part time Sweeper, in the year 1999 and had not completed 10 years of service in the month of December 2006 and, therefore, would not fulfil the criteria for

regularization in terms of the decision taken on 30.10.2011. Therefore, any recommendations that might have been made by the Municipal Council for regularization of the services of the petitioner would have no bearing in terms of the policy decision taken under the Presidentship of the Chief Minister with the representatives of the Union of the Safai Karamcharis, this writ petition, therefore, being devoid of any merit is dismissed.

7. However, during the pendency of the writ petition, the State Govt. has enacted the Punjab Ad hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016 under which it is mentioned that those persons who are work charge employee and have completed three years of service would be entitled for regularization of their services. Section 4 of the said Act reads as under :-

“4. (1) Notwithstanding anything contrary contained in any law, judgment, decree or order of any court, tribunal or any other authority, services of such 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 regularised by the competent authority in such service of the State Government or its entities, subject to the following conditions, namely:-

- (a) fulfil the eligibility with regard to minimum and maximum age limit;*
- (b) possess requisite educational qualification and experience as specified for the post under the service rules at the time of initial appointment;*
- (c) satisfactory verification of antecedents;*

(d) have good character and conduct; and

(e) have not been indicted or undergoing any civil, criminal or departmental proceedings:

Provided that the 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.

(2) During the probation period, a person regularised under this section shall be entitled to draw salary at the minimum of the Pay Band applicable to the post against which his services have been regularised in Group 'D' service, or actual remuneration being received at the time of regularization, whichever is more."

Thus, the petitioner herein is hereby at liberty to approach the department for regularization under the said Act. In case, the petitioner does move a representation, the same be considered in accordance with law expeditiously, preferably, within a period of four months on receipt of the said representation.

Writ petition stands disposed of with the aforesaid direction.

25.04.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.