

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

**CWP No. 25689 of 2014
Date of Decision: 09.03.2017**

Swaran Singh and others

...Petitioners

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. K. Arora, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Punjab.

Mr. Ashish Grover, Advocate
for respondent No. 5.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed by the petitioners who claim to be working with Municipal Corporation, Amritsar for several years. Their initial appointment was with Municipal Corporation on contract basis and subsequently their services were utilized with Punjab Water Supply and Sewerage Board and eventually they were put to work with Galiara Project. This project was eventually merged with Amritsar Development Authority.

Claim in this writ petition is for regularization of their services under the Policy dated 18.03.2011 (Annexure P-14). A writ petition bearing **CWP No. 21640 of 2013** was filed and by an order dated 30.09.2013, it was directed that the case of the petitioners be considered for regularization as per the latest instructions of the Punjab Government. The matter was considered and the impugned order dated 03.07.2014 was passed, wherein, a categoric

stand has been taken that the employees working in Galiara Project were not appointed against any sanctioned post and, therefore, their services could not be regularized in terms of the Policy dated 18.03.2011.

At this juncture, counsel for the petitioners contends that in the impugned order itself it is noted that these very posts have been sanctioned in a meeting held on 15.01.2014 and the petitioners should be considered for regularization against the sanctioned posts. It is further submitted that an Act known as ***The Punjab Ad Hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016*** (for short '2016 Act') has recently been enacted and under Section 3 of the said Act, a decision has been taken to regularize the services of Group A, B and C employees who are working on Ad Hoc, Contractual, Daily Wage, Temporary, 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. It is further contended that the provisions of the 2016 Act are fully applicable to the petitioners herein who have been continuously discharging their work with the State Government for a period not less than 15 years.

Mr. Ashish Grover, learned counsel appearing on behalf of respondent No. 5-Amritsar Development Authority, vehemently argues that there is no infirmity in the impugned order but he is not able to dispute the fact that a decision has been taken to sanction the posts as on 15.01.2014. He is also not in a position to dispute the fact that a new Act (2016 Act) has come into force and the petitioners would be entitled for consideration.

I have heard learned counsel for the parties and deem it appropriate to dispose of the instant writ petition with a direction to the

respondent No. 5-Chief Administrator, Amritsar Development Authority to take into consideration the claim of the petitioners for regularization of the their services against the sanctioned posts in terms of the enactment of the 2016 Act. The petitioners have been litigating this relief for the past several years before this Court and it is expected that their claim for regularization would be decided as expeditiously as possible, preferably within a period of four months from the date of receipt of a certified copy of this order.

Needles to say that their claim is to be disposed of by passing a speaking order and in case they are found to be entitled to the relief claimed, the same be accorded to them within a period of one month thereafter.

Writ petition stands disposed of accordingly.

March 09, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No