

**Sr. No.105
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.20812 of 2017 (O&M)

Date of Decision:16.11.2017

Reshma Rani and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vijay Rana, Advocate,
for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

CM No.16067 of 2017

Application is allowed, as prayed for.

The accompanying notification dated 24.12.2016 issued by the
Punjab State Government is taken on record as Annexure P-7.

Application disposed of.

Main Case

As per pleadings on record, the petitioners herein were initially engaged as Alternate Innovative Educators in the year 2009 under the Sarv Shiksha Abhiyan Scheme run by the Punjab Government.

Subsequently in the year 2011, they were engaged as Special Trainers/Volunteers by the Sarv Shiksha Abhiyan Authority, Punjab. The engagement of the petitioners as Alternate Innovative Educators as also as Special Trainers/Volunteers was on a contractual basis. Prayer in the instant petition is for issuance of a writ of mandamus to direct the respondent State to consider the claim for regularization in service under the Punjab Adhoc, Contractual, Daily Wage, Temporary, Work-Charged and

Act) Annexure P-7.

Having heard counsel for the petitioners at length and having perused the pleadings on record, this Court is of the considered view that prayer raised cannot be accepted.

It is the categoric contention of the counsel that the petitioners are serving on contractual basis against a Group 'C' post.

The eligibility to claim benefit of regularization in respect of the employees holding Group 'A' B and 'C' employees is laid down under Section 3 of the 2016 Act.

Section 3 would be relevant for controversy in hand and is reproduced hereunder:

3 (1) Notwithstanding anything contrary contained in any law, judgment, decree or order of any court, tribunal or any other authority, services of such Group 'A', 'B' and 'C' 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) initial appointment was made by following transparent process;*
- d) satisfactory verification of antecedents;*
- e) have good character and conduct; and*
- f) 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, the 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 'A', 'B' or 'C' services, as the case may be, or actual remuneration being received at the time of regularization, whichever is more.”*

A bare perusal of the provision reproduced hereinabove delineates the eligibility conditions as regards age, possessing requisite educational qualifications and experience specified for the post in question at the time of initial appointment as also for the initial engagement/appointment having been made by following a transparent process.

The averments made in the petition as also documents placed on record and appended along with the writ petition are completely bereft for this Court to infer that the petitioners fulfil the eligibility conditions stipulated under Section 3 of the 2016 Act.

In the absence of necessary material and pleadings, the prayer of the petitioners seeking regularization in service cannot be gone into.

Petition is dismissed.

16.11.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No