

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

**CWP-25270-2017 (O&M)
Date of decision: 07.11.2017**

Avtar Singh

... Petitioner

Vs.

State of Punjab & others

... Respondents

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

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Claim in the instant petition is for seeking benefit of regularization.

Counsel submits that the petitioner has been serving on the post of Personal Assistant to Chairperson of Zila Parishad, Moga for a period in excess of 3 years on contractual basis and as such, he is vested with a right to be regularized under the provisions of the Punjab Adhoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016 (hereinafter to be referred to as 'the 2016 Act').

Section 3 of the 2016 Act governs regularization of services of Group 'A', 'B' and 'C' employees and reads as follows:

“Section 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."

On a specific query having been put to counsel with regard to the process that had been followed which led to the engagement of the petitioner as Personal Assistant to Chairperson, it has been conceded that the post was never advertised. Petitioner had been engaged on contractual basis only on account of certain proceedings having been conducted by the Zila Parishad and a sanction having been accorded by the Chairperson himself to appoint the present petitioner as Personal Assistant on DC rates.

This Court would have no hesitation in terming the engagement

of the petitioner as a back-door entry.

The prayer of the petitioner seeking regularization in service on the basis of such an engagement cannot be entertained.

Writ petition is dismissed.

07.11.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

(i) Whether speaking/reasoned? Yes/No

(ii) Whether Reportable? Yes/No