

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

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CWP No.8577 of 2015 (O&M)

Date of Decision: July 07, 2017

Balwinder Singh

....Petitioner

vs.

Punjab Mandi Board and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. N.S. Kandhola, Advocate
for the petitioner.

Mr. Nitin Kaushal, Advocate
for the respondents.

TEJINDER SINGH DHINDSA, J. (Oral)

Pleadings on record indicate that the petitioner was engaged as Chowkidar in the year 1999 in the Mechanical Handling Unit of the Punjab Mandi Board (hereinafter referred to as the Board). Such engagement was on daily wage basis. Upon closure of the Mechanical Handling Unit, petitioner was adjusted as a Chowkidar on daily wage basis with the Market Committee, Ludhiana in the year 2004.

The instant petition has been filed, seeking the issuance of writ of mandamus directing the respondents to regularize services of the petitioner as Chowkidar w.e.f. the date of adjustment in Market Committee, Ludhiana i.e. 21.07.2004. Even though, the averments are lacking in such regard, but at the stage

of arguments, counsel raised a prayer that the petitioner upon adjustment, was entitled to the grant of regular pay scale of the post of Chowkidar which otherwise has been granted to him in the year 2011.

Counsel for the parties have been heard at length and the case paper book has been perused.

Facts which are not in dispute, are that the petitioner had been engaged as daily wager in the Mechanical Handling Unit of the Board in the year 1999. The Mechanical Handling Unit having been closed/shut down, proceedings were initiated to adjust the staff of such Mechanical Handling Unit elsewhere. Apparently, a resolution was passed by the Market Committee, Ludhiana for the petitioner to be adjusted on the post of Chowkidar and which was approved even by the Board on 30.07.2004 at Annexure P-3. As per such approval, the petitioner was to be adjusted against a vacant post and the pay was to be protected.

Counsel for the petitioner concedes that upon adjustment at Market Committee, Ludhiana, he was released the same wages on the post of Chowkidar that he was earlier drawing under the Board.

The order dated 24.03.2015 placed on record at Annexure P-9, reveals that a permanent post of Chowkidar became available in the year 2011 upon retirement of one Smt. Kaushalya Devi-Chowkidar. It is in pursuance to such development that the

petitioner has been granted the regular pay scale of the post of Chowkidar w.e.f. the year 2011 itself.

In the considered view of this Court, the claim of the petitioner seeking adjustment on regular basis on the post of Chowkidar w.e.f. the year 2004 itself and consequently to be granted a regular pay scale, is totally unfounded.

Counsel for the petitioner has not been able to advert to any material/document as regards availability of a sanctioned cadre post of Chowkidar in Market Committee, Ludhiana, in the year 2004. The respondents have accorded benefit of the regular pay scale to the petitioner immediately upon availability of a permanent post i.e. upon retirement of Smt. Kaushalya Devi-Chowkidar.

No infirmity is found in the action of the official respondents.

The instant petition is found to be devoid of merit and dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

07.07.2017

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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**