

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.7915 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus directing the respondents to regularise/absorb the services of the petitioners as attenders or in any other suitable post in the 3rd respondent-college as per the pattern fixed by the Department vide D.P.I. proceedings Rc.No.203/D3/65, dated 26.6.1965 and to pay time scale and other benefits on par with the Government employees with effect from the date of their initial appointment.

2. Heard Sri Sukesh Mishra learned Counsel for the petitioner and the Government Pleader for Education.

3. It has been contended by the petitioners that they have been working as attenders in the 3rd respondent-college since 1990 and therefore, their services should be regularized or they should be absorbed into grant in aid posts. The petitioners further contend that as per the DPI proceedings dated 26.6.1965, the staffing pattern has to be reviewed from time to time and there should be 50 non-teaching staff when the strength of the college is over 1000, and in the instant case, the total strength of the 3rd respondent-college is over 4000, and therefore, nearly 200 non-teaching staff can be employed as per the staffing pattern fixed by DPI in proceedings dated 26.6.1965. The petitioners further contend that

even as on today, their services are being continued but they are not being paid salaries attached to their posts, and apart from that, they are not being paid equal pay for equal work on par with regular employees.

4. The learned Government Pleader appearing for the respondents contends that the 3rd respondent-college has not submitted any proposals for absorption of the petitioners into grant-in-aid posts and further, there is a ban for filling up the aided vacancies and now, it is very difficult to consider the case of the petitioners, and therefore, the writ petition is liable to be dismissed.

5. This Court has considered the submissions made by the parties. Admittedly, the petitioners are still working in the 3rd respondent-college. Further, it is not in dispute that the petitioners have been working for more than two and half decades. Therefore, this Court is of the view that this writ petition can be disposed of with a direction to the 3rd respondent-college to submit proposals to respondents Nos.1 and 2 for regularization/absorption of the petitioners into grant-in-aid posts.

6. Accordingly, the Writ Petition is disposed of directing the 3rd respondent-college to submit proposals to respondents Nos.1 and 2 for regularization/absorption of the petitioners into grant-in-aid posts, within a period two weeks from the date of receipt of a copy of this order. On such proposals being received, respondents

Nos.1 and 2 shall consider and pass appropriate orders, within a period of four weeks thereafter, by duly taking into consideration the judgment of the Hon'ble Supreme Court in ***State of Punjab and others Vs. Jagjit Singh and others***¹, wherein it was held that the persons who are discharging their duties on par with regular employees are entitled to the minimum scale of pay under the principle of equal pay for equal work. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 20th August, 2018

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¹ Civil Appeal No.213 of 2013, dated 26.10.2016

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Dated: 20.8.2018

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