

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

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**CWP-10037-2018 (O&M)
Date of decision:25.04.2018**

Gurlal Singh and others

...Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. D.D.Bansal, Advocate for the petitioner.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioners have prayed for considering their names for regularization in terms of Annexure P11 with reference to date of entry into service on contract basis with the respondents. They are relying on the notification dated 24.12.2016 relating to “The Punjab Adhoc, Contractual, Daily Wage, Temporary, Work Charged and Out-sourced Employees' Welfare Act, 2016” (For short Act, 2016). Petitioners are seeking writ of mandamus for the purpose of regularizing their services with reference to service particulars of the petitioners to the extent that they were appointed in the year 2013-2014-2015. For the purpose of seeking writ of mandamus one must have statutory right. Petitioners pointed out that they have right under the Act, 2016

(Annexure P-12). Section 3 of the Act reads as under:-

“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 regularized by the competent authority in such service of the State Government or its entities, subject to the following conditions, namely:-

- (a) Fulfill 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 regularized 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.”

The Act, 2016 is applicable to such of those persons who have completed 3 years of service preceding the date of coming into force of Act, 2016. Act, 2016 was notified in the gazette on 24.12.2016. As on that date none of the petitioners fulfilled the requisite condition namely continuous service of 3 years preceding the date of introduction of Act, 2016. Thus, petitioners have not made out a case seeking for regularization under the Act, 2016.

Accordingly, CWP stands dismissed.

25.04.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No