

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

CWP No. 18356 of 2014 (O&M)

Date of decision: 16.04.2018

Lakhwinder Singh and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Harbans Lal Sharma, Advocate for the petitioner(s).

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioners seek issuance of directions to regularize the services of the petitioners who have been working as drivers on daily wages for more than 14 years from the date of regularization of their juniors.

The sole argument raised on behalf of the petitioners is that services of the persons junior to the petitioners have been regularized. In support of his assertion, learned counsel has referred to Annexure P-3, the seniority list to contend that the services of Amrik Singh who was shown at Sr. No.82, were regularized who has just two years of service.

Learned State counsel submits that the regularization had been done strictly as per the seniority. The petitioners could not be promoted as they were not found entitled as per the policy. The seniority

list relied upon by the petitioners was not the final seniority.

Heard, learned counsel for the parties and perused the record.

From the perusal of record, it emanates that petitioner No.1 is in service since 01.04.1997 whereas petitioner No.2 is in service since 01.09.2000. Except the notional breaks, the petitioners have been in continuous service with the respondents. A perusal of the seniority list (Annexure P-3), which is signed by the Chairman, Screening Review Committee and other members, it emerges that one employee, namely, Amrik Singh who had two years of service was regularized prior to the petitioners.

The fact of the petitioners being in service for more than 10 years is duly proved on record. The shortfall of certain days, if any, cannot be taken to deny the benefit of regularization particularly when the petitioners have been paid wages for the entire month. The fact of Amrik Singh being junior to the petitioners is also duly established on record.

Keeping in view the above, the present petition is allowed. The respondents are directed to regularize the services of the petitioners from the date when their junior(s) Amrik Singh were regularized along with all consequential benefits within a period of three months from the date of receipt of certified copy of the order.

16.04.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No