

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 19932 of 2014 (O&M)

Date of decision : 20.12.2018

Tarsem and others

....Petitioners

Versus

Chandigarh Administration and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. K.L. Arora, Advocate
for the petitioners.

Mr. Piyush Khanna, Advocate
for respondent No.1.

Ms. Deepali Puri, Advocate
for respondents No.2 and 3.

ARUN MONGA, J.(ORAL)

After arguing at length, learned counsel for the petitioners states that the petitioners are willing to be regularised as safai karmcharies, regardless of the nature of the duties performed by them, from the date their juniors were regularised.

2. Concededly, the petitioners were hired as safai karmcharis in the year 1998 though they were assigned the job of Cattle Catchers. The petitioners have been serving without any break in their service for about 20 years and despite extracting regular work from them they have not been regularised on the premise that there is no sanctioned post of Cattle Catchers. Learned counsel for the petitioners has fairly admitted that petitioners would be satisfied, if they are regularised as safai karmcharis and not as Cattle Catchers.

3. Learned counsel for the petitioners relies on judgment rendered by Supreme Court titled as, *U.P State Electricity Board Vs Pooran Chandra Pandey and others, reported as 2007(11) SCC 92*. Especially in para 18 and 19 thereof, wherein it has been held that it is unreasonable and arbitrary on the part of Welfare

State if person has been in service for last about 20 years and yet he is not regularised. More so in the present case, when the juniors have admittedly been regularised in the year 2009 and the case of the petitioners has been kept pending on the ostensible ground that they have been assigned duties of cattle catching and there is neither any designation nor sanctioned posts named and styled as Cattle Catchers.

4. It is the common case of both sides that in the seniority list, petitioners have been arrayed and shown as safai karmcharis. That being a conceded position, coupled with the fact that seniority list relied upon by the petitioners (Annexure P-3) has not been controverted by the respondents, the petitioners are held to be entitled to the benefit of regularization with effect from the date when their juniors were regularised. It is clear from seniority list that the petitioners were though senior but have not granted regularisation despite their juniors having been given the said benefit and they are in service for last 20 years.

5. In this view of the matter, present writ petition is disposed of with a direction to the respondents to consider the case of the petitioners for regularisation within a period of three months, on parity with their juniors who have admittedly been regularised. The benefit shall be granted to them with effect from the same date as their juniors were given the said benefits. All the consequential benefits shall be admissible to the petitioners along with 6% interest w.e.f the date their juniors were regularised.

(ARUN MONGA)
JUDGE

20.12.2018
dkp

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