

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

CWP No.21638 of 2014.

Date of Decision: 01.03.2018.

Manoj Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Manish Dadwal, Advocate,
for the petitioner.

Ms. Monica Chhiber, Sr. DAG, Punjab.

JITENDRA CHAUHAN.J.

Through this civil writ petition, the petitioner seeks issuance of a writ in the nature of mandamus directing the respondents to regularize the services of the petitioner keeping in view the Policy issued by the Government of Punjab dated 18.03.2011 (Annexure P-7).

It is contended that the petitioner has been working in the office of respondent No.4 as a part time Sweeper from April 2003. Earlier, the mother of the petitioner, namely, Nirmala Devi, served the department as Sweeper since 1979. On account of her long illness, the petitioner was appointed on compassionate basis in her place. It is further contended that the work and conduct of the petitioner is above board and to the satisfaction of the superior officials. The services of the mother of the petitioner could not be regularized due to her illness.

The petitioner made representation (Annexure P-1) and various other representations to respondent No.4 for regularization of his services. In the meantime, the Government of Punjab floated Policy dated 18.03.2011 (Annexure P-7) for regularizing the services of the employees. It is contended that the case of the petitioner is covered by the Policy (Annexure P-7). However, no action has been taken by the respondents on his representation.

On the other hand, the learned State counsel contends (i) that there is no sanctioned post of Sweeper in the department; (ii) the petitioner is engaged on daily basis as part time Sweeper; (iii) the petitioner has not completed the required service of ten years; (iv) the petitioner being a part time worker, is not covered by the Policy (Annexure P-7).

Heard.

The argument advanced by the learned State counsel that the petitioner was engaged on daily basis as part time Sweeper is of no consequence once the work in question is perennial in nature. The stand of the State which is a model employer cannot be accepted being against the policy of the welfare State. From the reply submitted and the continuous service, certain notional breaks have been shown however, those deserve to be ignored. As observed in the earlier part of the judgment, the job of a Sweeper is not part time and the cleanliness is required to be maintained in the office throughout the day and the stand of the State that there is no sanctioned post of Sweeper in the

department is deplorable. It is not disputed that the petitioner has been working as part time Sweeper from April 2003. The documents on record confirm the assertion of the petitioner of his being in continuous service since 2004.

In view of above, the present petition is allowed; the respondents are directed to regularize the services of the petitioner keeping in view the Policy issued by the Government of Punjab dated 18.03.2011 (Annexure P-7).

01.03.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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