

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

CWP No. 25474 of 2013 (O&M)

Date of Decision: 18.09.2018.

Sodhi Ram

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. D.R. Sharma, Advocate,
for the petitioner.

Ms. Sunint Kaur, AAG Punjab.

Mr. Ashwani Prashar, Advocate,
for respondent Nos.2 & 3.

JITENDRA CHAUHAN.J.(ORAL)

Through the instant civil writ petition filed under Articles 226 and 227 of the Constitution of India the petitioner seeks setting aside of impugned order dated 30.05.2013 (Annexure P-6) vide which the order dated 28.12.2012 (Annexure P-4) regularizing the services of the petitioner on the post of Boiler Attendant Grade-II has been cancelled.

It has been contended that the petitioner has been working with Ropar District Cooperative Milk Producers Union Limited, Milk Plant, Mohali. In pursuance to the recommendations made by the Employment Exchange, Rajpura, the petitioner was appointed against the post of Boiler Attendant Grade-II on contract basis with Milk Union at Ropar vide appointment letter dated

24.08.2002 (Annexure P-2). Thereafter, the contract of the petitioner

was extended from time to time. Vide office order dated 28.12.2012 (Annexure P-4) the services of the petitioner were regularized with effect from 01.04.2011. To the utter surprise of the petitioner, respondent No.3, vide office order dated 30.05.2013, Annexure P-6, cancelled the regular appointment order dated 28.12.2012 without issuing any notice or any affording opportunity of hearing to the petitioner.

On the other hand, the the stand of the respondents as taken in paragraph No.4 of the written statement is reproduced as under:-

“That regarding para 8(B) of the petition it is submitted that the Punjab Govt. Policy dated 18.03.2011 do provide for regularizations of the services of daily wager/work charged and contractual employees either from 01.04.2011 or on completion of three years contract service whichever is later, provided that they were appointed after following a transparent and proper procedure of recruitment. On a reference raised by respondent No.2 regarding regularization of some employees including the petitioner, the answering respondent had declined to give permission to regularize the services of these employees vide letter dated 22.08.2013 (Annexure D-1) as it had been found that no transparent procedure was adopted while appointing them.”

Heard.

It is to be noticed that the impugned order (Annexure P-6) was passed citing the case of the petitioner as not transparent whereas, the case of the petitioner was sponsored by the Employment Exchange, Rajpura as is clear from Annexure P-1, therefore, the order passed by the Registrar (Annexure P-6) is against the law and lacks application of mind. Consequently, the present civil writ petition is allowed. The impugned order (Annexure P-6) is hereby set aside. The petitioner shall be deemed to have been regularized from 01.04.2011 as reflected in the order dated 28.12.2012 (Annexure P-4). The petitioner shall be entitled to all the consequential benefits. However, the arrears shall be restricted to 38 months from the date of judgment.

18.09.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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