

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

CWP No.2827 of 2013 (O&M).

Date of Decision: 10.01.2018.

Harbhajan Chand and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. G.S. Bal, Sr. Advocate with
Ms. Lovinder Kaur, Advocate,
for the petitioners.

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN.J.

This civil writ petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to consider the petitioners against the available Class-IV posts in view of the Punjab Government Instructions dated 16.06.1977, Annexure P-2.

At the outset, the learned Senior counsel informs that the instant writ petition was filed on 06.02.2013 for regularization of the services of the petitioners. During the pendency of present writ petition, the services of the petitioners have been regularized by respondent No.3 vide order dated 14.03.2017, Annexure P-5. However, condition No.7 laid down in Annexure P-5 which stipulates that for a period of three years, the petitioners would be paid the initial pay only,

as per the instructions of the Punjab Government, has caused anomalous situation resulting into loss of huge cuts in the emoluments of the petitioners. It is asserted that as daily wagers, the petitioners have been getting over Rs.8000/- per month whereas, after regularization, they are being paid at Rs.4900+1650=6550/- per month. The inaction of the respondents has put the petitioners at disadvantageous position.

The petitioners were initially appointed through Employment Exchange, Gurdaspur with respondent No.3/Government College, Gurdaspur against Class-IV posts. As per the instructions, they were being paid salary out of the college funds. As per the instructions, Annexure P-2, the eligible employees who were paid out of the college funds were to be considered for regular posts. Accordingly, the petitioners made separate representations for regularization of their services. Vide letter dated 13.07.2011 (Annexure P-3), the Principal of the College/respondent No.3 recommended their cases for regularization to the Director Education Department/respondent No.2.

Thus, it is to be noticed that the petitioners have been put to loss due to inaction of respondent No.3-Principal. Once there was a clarification by respondent No.2 duly conveyed by the endorsement dated 25.01.2012, Annexure P-4, there was no reason to keep the issue pending for such a long period. It was only on 14.03.2017 that the order of regularization was issued. In the

circumstances, the Court is of the opinion that once respondent No.3 had formed an opinion to regularize the services of the petitioners and recommended their cases vide Annexure P-3 and after clarification rendered by respondent No.2, there was no reason for respondent No.3, Principal for withholding the issue of regularization.

In view of above, the present writ petition is allowed. The petitioners are deemed to have been regularized with effect from 13.07.2011, the date, when their case was recommended by respondent No.3 to respondent No.2 for regularization of their services.

10.01.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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