

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-2874-2013

Date of Decision:-14.02.2018.

Mahesh Kumar

.....Petitioner

Versus

Bhakra Beas Management Board (BBMB) and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. H.K. Brinda, Advocate for the petitioner.

Mr. Vikas Suri, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has sought for the following relief:-

“A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT ORDER OR DIRECTION THEREBY DIRECTING THE RESPONDENTS TO PAY TO THE PETITIONER WHO IS EMPLOYED FOR 89 DAYS ONLY IN A YEARS AT LEAST MINIMUM OF PAY SCALE AND USUAL ALLOWANCES, AS ARE BEING PAID TO THE WORK CHARGED/REGULAR EMPLOYEES OF THE RESPONDENT BOARD WHO ARE WORKING ON THE SIMILAR/IDENTICAL POSTS AND PERFORMING SAME/IDENTICAL DUTIES AS IS BEING PERFORMED BY THE PETITIONER AND FURTHER ISSUING DIRECTION TO THE RESPONDENT BOARD TO CONSIDER THE PETITIONER FOR REGULARISATION OF HIS SERVICE OR FOR

*CONSIDERATION FOR APPOINTMENT AGAINST
THE VACANT POST IN B.B.M.B. AND APPOINT HIM
ACCORDINGLY AS PER DECISION DATED
03.02.2012 ANNEXURE P-8;)”*

In view of the affidavit dated 2.11.2017 by one Sh. A.K. Mudgal, Senior Design Engineer with the respondent-BBMB it is evident that petitioner has been extended more than the minimum pay scale attached to the post like Gauge Reader, Wireless Operator etc. Insofar as regularization is concerned, he is only a contract appointee, he has no right to seek regularization unless and until a policy is laid down by the respondents for the purpose of regularization of contract appointee. He has no statutory right. Supreme Court time and again held that under Article 226 of the Constitution of India, Court cannot give direction to concerned authority for the purpose of regularization of an employee. In view of these facts and circumstances, present petition do not survive for consideration.

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

February 14, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.