

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

CM-13777-CWP-2016 in/and
CWP-9943-2012 (O&M)
Date of decision: 4.12.2018

Ranjit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.GS Bal, Sr. Advocate with
Mr.ADS Bal, Advocate for petitioner No.7

Mr.JP Rana, Advocate for petitioner Nos. 1 to 6

Ms.Ambika Bedi, AAG, Punjab

JITENDRA CHAUHAN, J.

CM-137777-CWP-2016

The prayer in the present application is for disposal of the writ petition in terms of the judgment dated 8.9.2014 passed in CWP-23430-2012 and LPA No.113 -2015 decided on 3.3.2015.

Learned counsel for the respondent-State has no objection, if the prayer made in the application is allowed.

In view of the above, the present application is allowed and the main case is taken on today's board with the consent of the counsel for the parties.

Main case

The present writ petition under Articles 226/227 of the Constitution of India has been filed for regularization of the services of the petitioners in terms of the policy instructions dated 18.3.2011 (Annexure P-5).

The brief facts of the case are that the petitioners being eligible were appointed as pump operators on muster rolls in the Department of Water Supply and Sanitation, Punjab and they are working since 1987, 1989, 1990, 1991, 1995 and 1996 without any break.

Learned counsel for the petitioners submit that the petitioners are entitled for regularization of their services in terms of the policy instructions dated 18.3.2011 (Annexure P-5), as they have completed their 10 years services without any break. He further submits that the service of the similarly situated employee, who filed CWP-23430-2012, has been regularized by the State Government.

Learned State counsel submits that she has no objection, if the present petition is disposed of in terms of the judgment passed in CWP-23430-2012 titled as “Jagpal Singh vs. State of Punjab and others” decided on 8.9.2014.

Heard.

The relevant portion of letter No.EF.L.No.11/8/2009-4PP3/397 dated 18.3.2011 issued by Government of Punjab, Personnel Department reads as under:-

“2. The Cabinet considered the matter in its

meeting held on 9.3.2011 regarding the employees of different departments mentioned in the enclosed annexure, who completed 10 years of service till 12/2006 as per information received from different departments regarding daily wage / work charged employees working in their departments. And therefore, as per the following decision taken by the Cabinet, the employees of each department, as per information received, are to be regularized in service:-

(1) The requisite number of posts be created in the departments for regularising the services of daily wage/ work charged employees who completed 10 years of service upto 12/2006 and against these posts the employees working on daily wage/ work charged basis should be regularised who fulfill the terms and conditions and are also qualified and eligible in all respect.”

In the present case, the petitioners being eligible were appointed as pump operators on muster rolls in the Department of Water Supply and Sanitation, Punjab and have completed more than 10 years of service upto 12/2006. They are squarely covered by the policy instructions dated 18.3.2011 (Annexure P-5). Moreover, services of one similarly situated person namely Jagpal Singh, who had filed CWP-23430-2012, which was allowed by this Court vide judgment dated 8.9.2014 and was upheld in LPA No.113 of 2015 (State of Punjab and others vs. Jagpal Singh) vide judgment dated 3.3.2015, have been regularized by the Department. The operative part of the judgment dated 3.3.2015 passed by Hon'ble

“Having bestowed our thoughtful consideration to the submissions made by learned counsel for the State, we are satisfied that no interference in the order under appeal is called for. We say so for the reason that the respondent is admittedly working as a Pump Operator since the year 1989. Learned Single Judge has rightly observed that his work and conduct and performance of duties has always been up to the entire satisfaction of the authorities. Rich experience gained by the respondent while working as Pump Operator is invaluable and stands on equal footing if compared with an employee possessing the certificate from ITI.

The claim of respondent has to be considered also from the angle that there are so many instances when daily wage/work charged employees who even do not possess the qualification of Matriculation, have been brought on regular establishment keeping in view the skill and expertise possessed by them. The same analogy would apply in the case of the respondent as well.

It is not a case that the respondent does not possess any qualification at all. He is matriculate and possesses ITI Diploma, but in a different trade, i.e. ITI Diploma in the trade of Carpenter. That technical qualification has proved its worth, for the respondent has always performed his duties to the satisfaction of the authorities.

The other reason which dissuades us from interfering with the order passed by learned Single Judge is the date of birth of the respondent which is 15.8.1963. He is already more than 51 years old. Hardly 7/8 years are left in his retirement. At this juncture, there is no

possibility of getting a new employment. He has already spent better-half of his life in the service of the appellants. He deserves the status and security as a regular employee before he demits the office on reaching the age of superannuation.

For the reasons aforesaid, this appeal fails.

However, it is clarified that neither the above mentioned observations shall be construed as a relaxation of the Government policy dated 18.3.2011 (Annexure P-1) nor the requirement of compliance of that policy has been dispensed with. It is only in the peculiar facts and circumstances of the case in hand that one of the condition has been liberally construed.”

In view of the policy instructions instructions dated 18.3.2011 (Annexure P-5) coupled with the judgment dated 8.9.2014 passed in CWP-23430-2012 titled as “Jagpal Singh vs. State of Punjab and others, and judgment dated 3.3.2015 passed in LPA -113-2015 titled as “State of Punjab and others vs. Jagpal Singh, which squarely cover the present case, the instant petition is allowed. The respondents are directed to regularize the services of the petitioners with effect from the date of their entitlement with all consequential benefits. Let the needful be done within a period of three months from the date of receipt of the certified copy of this judgment.

4.12.2018
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No