

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 2841 of 2016(O&M)

Date of decision: 19.11.2018

Mohinder Singh and others .. Petitioners

vs.

Union Territory, Chandigarh and others .. Respondents

Coram: Hon'ble Mr. Justice Rajeev Sharma
Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Barjesh Mittal, Advocate
for the petitioners.

Mrs. Deepali Puri, Advocate
for respondents No. 1 to 5.

Rajeev Sharma, J.

The petitioner has sought judicial review of the order dated 14.09.2015 rendered in OA No. 060/00723/2014 of Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as the Tribunal) .

The brief facts necessary for the adjudication of this writ petition are that the petitioners were appointed on Daily Wages in the year 1983-85 in various capacity as Chowkidars, helpers etc. The status of the petitioners remained in limbo for certain time. They were sent to Municipal Corporation, Chandigarh. Thereafter there was prolonged litigation.

Now it is admitted by the parties that the petitioners are the employees of the Municipal Corporation Chandigarh. The petitioners have filed the petition seeking their regularisation.

The respondents have filed the counter affidavit.

The operative portion of the impugned order dated 14.09.2015 rendered by learned Tribunal, reads as under:-

“Creation of posts is a matter within the domain of the executive and since the number of such posts required for the regularization of the daily wagers/ work charged employees working with the Chandigarh Administration/ Municipal Corporation is quite large, we do not considerate it appropriate to issue any direction regarding creation of these posts for regularization of the persons who are claiming regularization. However, as and when vacancies arise, the Chandigarh Administration is required to regularize the services of the daily wagers/ work charged employees who are on deemed deputation as per their seniority on the basis of the combined seniority list that is maintained in respect of such employees by the Chandigarh Administration and Municipal Corporation. The benefits of regularization and pensionary entitlement will be governed by the directions of the Apex Court in Sampat & Ors. (supra).”

Mrs. Deepali Puri, Advocate appearing on behalf of respondents No.1 to 5 has fairly drawn the attention of this Bench to the policy/scheme dated 13.03.2015 regarding regularization on work charge basis of workmen working in various departments of the Chandigarh Administration which has been adopted by the Municipal Corporation Chandigarh.

We have gone through the policy/scheme wherein it is stated that the employees working under Groups C and D shall be regularised on the basis of length of service. In order to have permanent solution beyond sanctioned strength, the Chandigarh Administration was required to move a proposal to create the posts before the Government of India.

Mrs. Deepali Puri submits that the Municipal Corporation Chandigarh has not moved the case before the Government of India.

Learned Tribunal has ordered regularization of the petitioners as per the availability of the vacancies. It was expected that the Municipal Corporation, Chandigarh will move a proposal before the Government of India to create additional posts at the earliest.

Accordingly, the present writ petition is disposed of with a direction to the Municipal Corporation, Chandigarh/Chandigarh Administration to take up the matter with the Government of India for creation of posts within a period of six months from today.

It is made clear that in case the decision is not taken within the stipulated period as ordered hereinabove, taking into consideration the length of service of the petitioners, they shall be deemed to be regularized with all consequential benefits.

(Rajeev Sharma)
Judge

(Harinder Singh Sidhu)
Judge

19.11.2018
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Whether speaking/reasoned
Whether Reportable:

Yes
Yes/No