

CWP-27865-2018 (O&M)

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

**CWP-27865-2018 (O&M).
Decided on: November 19, 2018.**

Buta Khan

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

*** * ***

**PRESENT Mr.Harbans Lal Sharma, Advocate,
for the petitioner.**

JASWANT SINGH, J. (ORAL)

A post of Peon-cum-Chowkidar fell vacant on the retirement of regularly appointed employee on 28.2.2011 with the Dhilwan Multi Purpose Cooperative Agriculture Service Society Limited, Dhilwan, District Barnala (for short hereinafter to be referred as "*the Society*").

Petitioner Buta Khan was straightway appointed on contract basis vide resolution dated 4.3.2011 (Annexure P3) by the Society. Subsequently, approval to fill the post of Peon-cum-Chowkidar, which is governed by the Punjab State Cooperative Agricultural Service Society Service Rules, 1997 (for short hereinafter to be referred as "*1997 Rules*") was granted vide resolution dated 28.1.2014. The approval of the same was received vide Annexure P9 dated 11.4.2018, from the office of the

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Registrar. Accordingly, the Society has undertaken the process of advertising the post for filling up the same through appropriate Selection Committee as per the procedure provided in the 1997 Rules.

The petitioner is aggrieved against the selection finalised by the Society as noticed in the resolution dated 15.5.2018, Annexure P11, whereby one Shamsheer Singh son of Harkam Singh, has been found eligible and suitable for appointment.

It is the contention of the learned counsel for the petitioner that the approval was meant for regularising the services of the petitioner who had continued to work since 2011.

After hearing the counsel for the petitioner and perusing the Annexures, this Court is not persuaded to accept the contention of the petitioner. The petitioner was straightway appointed on daily wage basis i.e. as a back door entry and not by following any method or procedure prescribed in the 1997 Rules. The approval by the office of the Deputy Registrar was granted for filling up the post of Peon-cum-Chowkidar as per the procedure provided in the Rules and not for regularising the services of the petitioner.

In view of above, the plea of the petitioner for permitting him to continue on daily wage basis or for regularisation of his services, cannot be granted, as such, the instant writ petition is dismissed.

(JASWANT SINGH)
JUDGE

November 19, 2018.
raj arora

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No