

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

CWP-426-2018 (O&M)

Date of decision-19.01.2018

Jagjiwan Khanna

...Applicant-Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kapil Kakkar, Advocate for the applicant-petitioner.

JITENDRA CHAUHAN, J. (Oral)

CM-565-CWP-2018

Application is allowed as prayed for.

Annexure P-10 is taken on record subject to all just exceptions.

CWP-426-2018

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing the respondents to regularize the services of the petitioner as Vocational Master (Secretarial/Commercial practice) w.e.f. 06.04.2014 as per the Punjab Government notification dated 18.07.2012 and Instructions dated 06.03.2013 (Annexures P-4 and P-5) which clearly stipulates that the period of 03 years for regularization of service will be considered from the date of joining of 1st candidate of the concerned batch.

Contentends that similarly placed person, namely, Gurpreet Kaur has been regularized vide order dated 15.07.2014 (Annexure P-6). Further,

learned counsel for the petitioner states that at this stage he would be satisfied if a direction is issued to respondent No.1- Secretary, Department of Education, Mini Secretariat, Sector-9, Chandigarh to consider and decide the representation dated 13.11.2017 (Annexure P-7).

Heard.

In view of the statement made, the Court is not inclined to issue notice of motion, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.1- Secretary, Department of Education, Mini Secretariat, Sector-9, Chandigarh to consider the claim of the petitioner in view of the regularization policy (Annexure P-5) and notification, if any, and decide the representation dated 13.11.2017 (Annexure P-7). In case, on consideration, the competent authority reaches to the conclusion that the case of the petitioner is covered by Annexure P-5, in such eventuality, the consequential relief be allowed to him, within a period of three months thereafter. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.

(JITENDRA CHAUHAN)
JUDGE

19.01.2018

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No