

**CWP No. 7521, 9155, 9459, 10197, 10478,
10173, 10474, 9093 and 13154 of 2018 (O & M)**

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

115+255 (9 cases)

(1)

**CWP No.7521 of 2018 (O & M)
Date of Decision: September 10, 2018**

Mangat Singh and others

.....PETITIONER(s).

VERSUS

State of Punjab and another

....RESPONDENT(s).

(2)

CWP No.9155 of 2018 (O & M)

Harpreet Kaur

.....PETITIONER(s).

VERSUS

State of Punjab and another

....RESPONDENT(s).

(3)

CWP No.9459 of 2018 (O & M)

Pankaj Kumar and others

.....PETITIONER(s).

VERSUS

PSEB and another

....RESPONDENT(s).

(4)

CWP No.10197 of 2018 (O & M)

Rasleen Kaur

.....PETITIONER(s).

VERSUS

PSEB and another

....RESPONDENT(s).

**CWP No. 7521, 9155, 9459, 10197, 10478,
10173, 10474, 9093 and 13154 of 2018 (O & M)**

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(5) CWP No.10478 of 2018 (O & M)

Vijay Kumar

.....PETITIONER(s).

VERSUS

PSEB and another

....RESPONDENT(s).

(6) CWP No.10173 of 2018 (O & M)

Parminder Kaur and others

.....PETITIONER(s).

VERSUS

PSEB and another

....RESPONDENT(s).

(7) CWP No.10474 of 2018 (O & M)

Bhagat Singh and others

.....PETITIONER(s).

VERSUS

PSEB and another

....RESPONDENT(s).

(8) CWP No.9093 of 2018 (O & M)

Harjit Singh and others

.....PETITIONER(s).

VERSUS

PSEB and another

....RESPONDENT(s).

**CWP No. 7521, 9155, 9459, 10197, 10478,
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(9) CWP No.13154 of 2018 (O & M)

Jaspreet Singh

.....PETITIONER(s).

VERSUS

PSEB and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Kapil Kakkar, Advocate
for the petitioner(s) (in CWP Nos.7521, 9093, 10173, 10478
and 10474 of 2018).

Mr. Rajeev Gupta, Advocate
for the petitioner(s) No.1, 13, 14 and 15 in CWP-7521-2018.

Mr. S.K. Rattan, Advocate
for the petitioner(s) (in CWP No.9155 of 2018).

Mr. B.S. Ichhewal, Advocate
for the petitioner(s) (in CWP No.9459 and 10197 of 2018).

Mr. Devender Gors, Advocate
for the petitioner(s) (in CWP No.13154 of 2018).

Mrs. Anju Sharma, DAG, Punjab.

Mr. R.S. Kalra, Advocate and
Mr. Vinod Sharma, Senior Panel Counsel
for the respondent (s)-PSEB in all the petitions.

JASWANT SINGH, J. (ORAL)

This common order shall dispose of the aforesaid nine (09)
petitions since similar facts and common issues are involved.

In all the aforesaid nine petitions, the petitioners admittedly
were engaged on daily wage basis either on Class IV posts like Helpers,
Labourers or Class III posts like Clerks cum Data Entry Operators on

consolidated salaries from the periods as stated in their respective petitions.

The claim primarily is/would be for regularisation of their services in terms of regularisation policy dated 18.03.2011 framed by the Government and made duly applicable to the Boards, Corporations, etc. including the contesting Punjab School Education Board vide policy decision dated 17.11.2011.

In the alternative prayer, the claim is/would be for regularisation under the “The Punjab Ad hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016” ('2016 Act' - for short).

The ancillary prayer is also for quashing the retrenchment orders.

In all the aforesaid writ petitions except CWP No.13154 of 2018 wherein petitioner Jaspreet Singh is claiming regularisation on completion of three years on daily wage basis in terms of 2016 Act and notice of motion is yet to be issued, interim protections have been granted by this Court restraining the Board from relieving the petitioners from their services pursuant to the impugned retrenchment orders passed.

The stand of the Board in the written statement is that the petitioners are mistakenly relying upon the condition of entitlement for regularisation on completion of three years of service in terms of the policy dated 18.03.2011 relating to the contractual employees, whereas the regularisation policy of the same date i.e. 18.03.2011 relating to daily wage workers requires, *inter alia*, completion of ten years of continuous service as on December, 2006 for entitlement of regularisation with the Board. It is

further submitted that none of the petitioners has completed ten years of continuous service in December, 2006 in terms of the said policy. This factual position thus stands undisputed.

Counsel for the parties heard.

It is undisputed that the the interim protection granted in the aforesaid petitions qua stay of retrenchment was vacated by this Court vide order dated 09.08.2018 in view of the case law reported as **Union of India and another versus Ram Pal and others**, 2013 (2) PLR 299 and **Uttaranchal Forest Development Corpn. and another versus Jabar Singh and others**, 2007 (2) SCT 458.

As regards the claim for regularisation, it remains undisputed that none of the petitioners have completed 10 years of continuous service in December, 2006 so as to entitle them for consideration for regularisation in terms of the policy dated 18.03.2011/17.11.2011.

The stand of the Board that the provisions of the 2016 Act are not applicable as the same were never adopted by the Board in terms of the discretion granted under the Act, also remains undisputed.

Hence either way, the petitioners are not entitled to regularisation and with regard to their retrenchment, they are free to seek their remedies under the Industrial Disputes Act.

In view of the above, all the petitions are hereby dismissed.

However, it is clarified that the petitioners who were permitted to continue in service pursuant to the interim directions staying the retrenchment orders and have actually worked, would be entitled to release of their salaries for such period.

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Mr. R. S. Kalra, Advocate for the Board assures that upon completion of the formalities by the petitioners, there would be no delay in release of their salaries.

(JASWANT SINGH)
JUDGE

September 10, 2018
A.Kaundal

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