

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

CWP 9318/2018 (O&M)

Date of decision:05.09.2018

Mahal singh and others

.....Petitioners

v.

Punjab School Education Board and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- None for the petitioners.

Mr.Ranjit Singh Kalra,Advocate for the applicant/respondent.

Jaswant Singh,J,(Oral).

There are three petitioners who were engaged as Chowkidar/Safai Sewak/Helper (Class IV Post) on daily wage basis between 2010 and 2016. They were posted at various Senior Secondary Schools maintained by respondent-Board. Petitioners seek a writ of mandamus for regularization of their services in terms of the regularization policy dated 18.3.2011 (P-5).

This Court while issuing notice of motion vide order dated 19.4.2018 had directed the maintenance of “status quo” with regard to the services of the petitioners.

Upon notice, respondent-Board has moved CM 7753/2018 seeking summary dismissal of the writ petition on the ground that the claim for regularization based on the instructions dated 18.3.2011 is ill founded as the same relates to contractual employees, who are entitled to be considered

for regularization on completion of three years' continuous service. It is asserted that as far as daily wagers are concerned there is separate policy dated 18.3.2013 (R-1/1) with the application whereby the daily wagers, like petitioners, are entitled to regularization on completion of ten years of service in December 2006. Hence it is urged that the entire claim is misplaced by concealing the correct regularization policy.

At the time of hearing no one has put in appearance on behalf of petitioners. The absence/consequent adjournment is objected to by the counsel for the respondent in the light of interim stay operating against the Board.

Accordingly, this Court has no option but to proceed with the case.

Counsel for the respondent-Board states that from the regularization policy (P-5) it is apparent that the same is not applicable to the case of daily wagers. He states that in similar circumstances this Court has already dismissed CWP 6278/2017 on 26.4.2018 titled as **Rajinder Kumar v Punjab School Education Board, SAS Nagar, Mohali and others.**

After perusing the paperbook and hearing the learned counsel for the respondent-Board, Court finds that the case of the petitioners is not covered under the policy P-5 and instead has to be considered under the policy dated 18.3.2013 (R-1/1) which governs the case of the employees like the petitioners working on daily wage basis wherein the essential requirement was as under:-

“ (i) *The daily wager/work charged employees who have completed 10 years of service in December 2006, are to be appointed on regular basis and for the said purpose posts may be*

created and all the employees who are eligible and fulfill the criteria as per the rules/regulations governing the post, be appointed on the said post.”

The petitioners concededly have been appointed after 2009, much less completed 10 years in December 2006, therefore, are not entitled for regularization of their service under the policy.

For the reasons stated above, the present writ petition is dismissed.

05.09.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No