

COCP No. 539 of 2018

DECIDED ON: SEPTEMBER 23, 2019

SATISH KUMAR AND ORS

.....PETITIONERS

VERSUS

JASPREET TALWAR AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Pawan Kumar Goklaney, Advocate
for the petitioners.

Mr. Aditya Sharda, AAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The issue with regard to the regularization of the services of Pump Operators (Junior Technicians) was raised in CWP No. 21251 of 2014, titled as **Nasib Singh and others vs. State of Punjab and others;** decided on 08.02.2017.

While allowing the writ petition, it was observed that petitioners had gained enough experience as Pump Operator and cannot be denied regularization on the ground that they don't have requisite qualifications. Respondents were directed to consider the case of the petitioners for regularization in view of the observations made and it was further directed that they shall be entitled to grant of benefits from the date of their entitlement with all consequential benefits.

Petitioners in contempt petition subsequently filed a writ petition and the said writ petition was disposed of permitting the petitioners to file fresh representations and respondents were directed to pass a speaking order in view of ratio of judgment rendered in **Nasib Singh's case (supra)**. It was further

ordered that in case the petitioners were not found entitled for the relief claimed, then a detailed speaking order will be passed.

The present contempt petition has been filed pleading wilful disobedience of the directions of this Court as no decision has been taken on the representations filed by the petitioners.

Pursuant to notice of motion, replies were filed. Reliance was placed on orders dated 23.08.2018 and 27.11.2018 whereby the claim of the petitioners was rejected. One of the ground taken for rejecting the claim was that respondents had preferred a Letter Patents Appeal in *Nasib Singh's case (supra)*. While arguing the matter, respondents on realizing that the orders passed were not in consonance with the directions of this Court, respondents sought further time.

Today, learned State counsel has produced an order dated 08.04.2019, same is taken on record and copy handed over to the counsel for the petitioner. As per the order, services of the petitioners have been regularized from the date of order i.e. 08.04.2019 subject to the outcome of the LPA No. 714 of 2018.

Learned counsel for the petitioners states that the services of the petitioners have been regularized but the date of their regularization has wrongly been fixed. He further submits that date fixed is not at parity with the regularization of Sh. Nasib Singh. Moreover, certain conditions have been imposed for regularization. The grievance is that Nasib Singh and the petitioners are in same office and there is discrimination.

The contention raised by learned counsel for the petitioners does

not falls within the scope of present petition. The issues raised by the petitioners gives rise to fresh cause of action. There is no violation of the directions of this Court. The direction was to pass a speaking order in view of ratio of judgment rendered in *Nasib Singh's case (supra)*. There was no direction for considering the case of petitioners at parity with Nasib Singh.

Disposed of.

However, petitioners would be at liberty to avail remedy in accordance with law in case there is a grievance with regard to order dated 08.04.2019.

SEPTEMBER 23, 2019
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>