

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-21537-2013 (O&M)
Date of Decision:-21.01.2019.

Bachan Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Aakash Singla, Advocate for the petitioners.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. Anil Sharma, Advocate for respondent Nos.2 and 3.

ARUN MONGA, J. (Oral)

The present petition has been filed seeking issuance of a writ in the nature of *mandamus* directing the respondents to regularize the services of the petitioners w.e.f. 01.01.1997, when the juniors of the petitioners were granted the benefit of regularization.

2.) It is stated that the petitioners joined the services of the respondent No.2/PUNSUP as Watchman as per the dates given in Annexure P-1 in the years 1985-1986 and have been continuing as such till date.

3.) Learned counsel for the petitioners contends that vide a judgment rendered in CWP-14211-2009 (Annexure P-4), this Court directed the respondent-PUNSUP to grant regularization to one Sh. Malkiat Singh w.e.f. 01.01.1997, who is admittedly junior to the petitioners as reflected from the seniority list (Annexure P-5). Learned counsel for the petitioners further contends that the said seniority list is not in dispute and, therefore, the petitioners are entitled to the same benefit

4.) *Per contra*, learned counsel for respondent Nos.2 and 3 contends that although the seniority list is not disputed but the petitioners cannot be granted the same benefit as they never approached this Court. It was only Sh. Malkiat Singh who had challenged his non-regularization before this Court w.e.f. the same date as was granted to his junior i.e. Sh. Darshan Singh. This Court held that Malkiat Singh, indeed, was senior to Darshan Singh and, therefore, entitled to the benefit of regularization as sought by him.

5.) Having gone through the respective pleadings filed by the parties herein and having heard the rival contentions of both the learned counsels, I am of the opinion that the petitioners who are concededly senior to Malkiat Singh are also entitled to the same benefit of regularization. The action of the respondents in non grant/denial of the benefit of regularization to the petitioners while their juniors have been regularized is discriminatory and arbitrary and hit by Article 14 of the Constitution of India. The respondents are, therefore, directed to regularize the services of the petitioners w.e.f. the same date as their junior i.e. Malkiat Singh was regularized alongwith consequential benefits alongwith interest @ 6% per annum. However, the pecuniary benefit is confined to 38 months prior to filing of the present writ petition in terms of the judgment rendered by the Hon'ble Supreme Court in **Union of India and others Vs. Tarsem Singh** reported in **2008 (8) SCC 648**. Respondent No.2/PUNSUP is directed to calculate and disburse all monetary benefits to the petitioners within a period of 3 months from the date of receipt of certified copy of this order.

6.) Disposed of accordingly.

(ARUN MONGA)
JUDGE

January 21, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.