

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

**Civil Writ Petition No. 19241 of 2018 (O&M)
Date of decision : 11.07.2019**

Joginder Singh

... Petitioner

versus

State of Punjab & Ors.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. P.S. Jammu, Advocate
for the petitioner.

Ms. Ambika Bedi, AAG Punjab

ARUN MONGA, J(ORAL)

The grievance of the petitioner herein is that despite having rendered nearly 30 years of uninterrupted service as Chowkidar, his services are not being regularized, compelling him to approach this Court by way of present writ petition.

Though, formal notice of motion was not issued, but on advance service of copy of petition, a short affidavit has been filed on behalf of respondents, wherein it has been deposed as below:-

“2.....In this regard it is submitted that since the regularization of the employee is the exclusive jurisdiction of the Executive, therefore as and when the name of the petitioner will come in merit in accordance with the seniority list Annexure R-1, the petitioner will be regularized. The petitioner himself admitted in the present petition that he is getting regular pay scale. Even the petitioner will get pension after his retirement. The only concern of the petitioner is that he may not get pensionary benefits after his retirement, if not get regularized is without any reason, as the petitioner will get pension after his retirement.”

XXX

4. That it is admitted that regular scale was granted to the petitioner but service of the petitioner was not regularized. The list

of the employees were sought vide letter dated 05.1.2012 (Annexure P-3) from all the District Food & Supply Controllers of Punjab for sending their case to Finance Department. The Respondent No.3 had sent said list of employee in accordance with the seniority list of year 2010 in prescribed performa Annexure P-3 wherein the name of the petitioner was also included. It is relevant to mention here that recently vide order dated 24.4.2018 Annexure R-2 employees from the final Seniority list year 2011 Annexure R-1 were regularized. The directions passed in CWP No. 7371 of 2009 titled "Daya Ram Vs. State of Punjab and others" were followed in preparation of list Annexure R-1 and order dated 24.4.2018 Annexure R-2 was issued in accordance with the Annexure R-1. It is submitted that when the petitioner's name will come, he will be also be regularized in accordance with the seniority list Annexure R-1."

Learned counsel states that the petitioner is senior-most.

Given the nature of order being passed and keeping in view the aforesaid, no further proceedings or pleadings are warranted in this case.

Without commenting on the merits of the case, the writ petition is disposed of with a direction to respondents to take a decision for grant of benefit of regularization as per seniority of the petitioner, in accordance with law.

Let the needful be done within a period of three months from the date of receipt of certified copy of this order.

11.07.2019

Jiten

**(ARUN MONGA)
JUDGE**

- | | | |
|----|-----------------------------|---------|
| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |