

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

SMRITI
2017.09.13 11:37
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CWP-20920-2018

Date of Decision: 09.09.2019

Sukhdev Singh

... Petitioner

vs.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Alisha Arora, Advocate
for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

ARUN MONGA, J.(ORAL)

Grievance/claim of the petitioner herein is to grant him regularization in accordance with the applicable policy of the State.

2. The petitioner has made specific averments in his writ petition, particularly, para 3 thereof stating that as per the seniority list of workers (Annexure P-4) prepared by the Department, name of the petitioner figured at serial No.10. Subsequent thereto, another seniority list (Annexure P-5 colly) was prepared wherein the date of joining and year of the petitioner has been stated to be 1993-94. At the time of filing of the writ petition, the petitioner had rendered 18 years of uninterrupted service.

3. In the return filed on behalf of the respondents, following stand has been taken in corresponding para 3 which reads as under:-

“That the contents of para No.3 of this writ petition regarding preparing seniority list are matter of record, and remaining contents regarding that the names of employees junior to the petitioner were included are wrong hence denied. The seniority list was prepared as per the record available in the office. It is also relevant

to mention here that a tentative seniority list was prepared and a final list was prepared after considering cases of each and every employee. Reply made in preliminary submissions be read as reply of this para also.”

4. Learned counsel for the petitioner points out that in view of the aforesaid stand, petitioner is entitled to seek regularization as the persons, who are junior to the petitioner as per seniority list contained at Annexure P-4, particularly, one Mr. Jeet Singh, who is at serial No.45, has since been regularized but the petitioner has not been accorded the same benefit on the ostensible ground that as and when his turn comes, he would be accorded the same.

5. A conjoint reading of the pleadings reflect that above submission of learned counsel for the petitioner is correct.

6. Reference may be had to para 6 of the writ petition and corresponding reply of the respondents to the said para. The same are reproduced hereinbelow:-

“ Para 6 of the writ petition:

That it is also pertinent to mention here that Nachhtar Kaur, Mewa Singh and Kirpal Kaur have been regularized whose names are mentioned in this list. Copy of the orders of their regularization is attached herewith as ANNEXURE P-8 (Colly) and they had been regularized w.e.f.2011.”

Corresponding reply to the said para

That the contents of para No.6 of the writ petition are matter of record, but it is clarified that the case of each and every individual employee had been considered and as per their seniority, services have been regularized. The petitioner can not claim any parity with other employees.”

7. In view of aforesaid stand taken by the respondent, the writ petition is disposed of with a direction to the respondents to grant parity to the petitioner by according him the benefit of regularization with effect from the date his juniors were granted the same benefit.

8. Let needful exercise be carried out within a period of three months from today and appropriate order be passed. Arrears be calculated and be disbursed to the petitioner with interest @ 6% per annum.

09.09.2019

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(ARUN MONGA)**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No