

CWP-26614-2016 and CWP-25495-2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: March 26, 2019
CWP-26614-2016 (O&M)

Sohan Singh ... Petitioner
vs.
B.B.M.B. and Ors .. Respondents

CWP-25495-2016 (O&M)
Arvinder Kumar ... Petitioner
vs.
B.B.M.B. and Ors .. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. M.L.Saini, Advocate
for the petitioner(s).

Mr. Kuldeep Tiwari, Advocate
for respondents No. 1, 3, 4 and 5 in CWP-26614-2016.

Mr. Vikas Suri, Advocate
for respondent-BBMB in CWP-25495-2016.

ARUN MONGA, J

The petitioner(s), herein, is seeking benefit of the policy of regularization, as applicable in the case of Bhakhra Beas Management Board (BBMB) and aggrieved by non-grant of benefit of regularization, has impugned the order dated 06.06.2016 (Annexure P9)

2. Learned counsel for the petitioner(s) submits that a Division Bench of this Court in **Kuldeep Kumar and others vs. Bhakra Beas Management Board and others, LPA No. 561 of 2014** passed the following order qua similarly situated employees:-

“The appellants seek regularization/absorption on the ground that they have been working for more than 10 years. However, 10 out of 12 petitioners have

been working for less than 10 years as on 31st of December, 2006. This is relevant as the right to regularization is claimed under a policy decision dated 11th of May, 2012 of the respondents. The said policy decision entitles the employees to be regularized subject to their having continued to work for 10 years as on 31st of December, 2006. Even as regards other two petitioners, the learned Single Judge cannot be faulted for having held that there are disputed questions of facts and that there is nothing on record to indicate the exact period for which they worked prior to 31st of December, 2006.

It is then contended that a fresh policy is being contemplated entitling the persons to regularization upon completing three years of service. The appellants are always at liberty to adopt proceedings in the event of such policy being introduced by the respondents.”

3. In the present case also, learned counsel for the petitioner(s) contends that a fresh policy is being contemplated entitling the persons to regularization upon completion of 03 years of service. He further submits that even otherwise, the concluding paragraph of the impugned order states as below:-

“However in future as and when the need for recruiting the regular/seasonal posts is felt by the BBMB, the petitioner/seasonal worker would be given preference as per their Division-wise seniority already being maintained.”

4. Keeping in view the fact that the respondent-BBMB has fairly conceded in the impugned order that in future, preference will be given to the seasonal employees as and when need for recruiting the regular employees is felt by BBMB, it is expected of the respondent-BBMB to take a sympathetic

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view qua the petitioner(s) for grant of benefit of regularization as and when there is a need for recruitment for regular employee qua the post held by the petitioner(s), as per the division-wise seniority maintained by it

5. The petitions are, accordingly, disposed of.

March 26, 2019
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No