

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

LPA No. 1512 of 2019 (O&M)

Date of decision : 25.09.2019

State of Punjab and others

.... APPELLANTS

Versus

Ranjit Singh and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE RAJIV SHARMA
ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Ms. Lavanya Paul, Assistant Advocate General, Punjab,
for the appellants.

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RAJIV SHARMA, ACTING CHIEF JUSTICE

This appeal is instituted against the judgment dated 04.12.2018,
rendered by the learned Single Judge in CWP No. 9943 of 2012.

The brief facts, necessary for adjudication of this appeal are
that the respondents filed CWP No. 9943 of 2012 seeking regularisation of
their services on completion of 10 years of service as Pump Operators on
muster rolls in the Department of Water Supply and Sanitation, Punjab.
They started discharging their duties as Pump Operators on muster rolls
since the year 1987, 1989, 1990, 1991, 1995 and 1996. The State of Punjab
issued instructions on 18.03.2011, taking a conscious decision to regularise
the services of the daily wage/work charge employees, who had completed
10 years of service upto December, 2006. The respondents relied upon the
judgment, rendered by learned Single Judge in CWP-23430 of 2012, titled

“Jagpal Singh Vs. State of Punjab and others”. It was allowed by the learned Single Judge on 08.09.2014. The State carried an appeal against the judgment dated 08.09.2014. The appeal was dismissed vide judgment dated 03.03.2015.

The learned Single Judge in the present case, relying upon the instructions dated 18.03.2011 read with the judgment dated 08.09.2014 rendered in CWP-23430 of 2012 and the judgment dated 03.03.2015 rendered in LPA No. 113 of 2015, allowed the writ petition. The appellants were directed to regularise the services of the respondents with effect from the date of their entitlement with all consequential benefits.

Learned counsel for the appellants has vehemently argued that since the respondents were not possessing the requisite essential educational qualification, their services could not be regularised.

The question whether the respondents are possessing requisite essential educational qualification is to be considered at the time, when they were appointed and not at the time of regularisation of their services, as per settled law.

Accordingly, there is no merit in this petition and same is dismissed.

**(RAJIV SHARMA)
ACTING CHIEF JUSTICE**

September 25, 2019
ndj

**(HARINDER SINGH SIDHU)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No