

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-817-2014 (O&M)

Date of Decision:-22.02.2019.

Narinder Singh, Driver

.....Petitioner

Versus

State of Punjab through Secretary, Department of Rural Development and Panchayats, Punjab, Chandigarh and others.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Gurmeet Singh Saini, Advocate for the petitioner.

Ms. Ambika Sood, DAG, Punjab.

Mr. Akshay Sandhir, Advocate for respondent No.4.

ARUN MONGA, J. (Oral)

The claim of the petitioner in the present case is to grant him the benefit of regularization in view of policy dated 17.11.2011 (Annexure P-7) issued by Government of Punjab, whereby, services of the daily-wagers/work- charged/contractual employees who had put in 3 years of service were to be regularized.

2.) The petitioner was appointed as Driver on daily wage basis w.e.f. 19.07.2011. He has been working as such till date, but has not been regularized. It is the claim of the petitioner that there are 2 sanctioned posts of Drivers with respondent No.4 out of which one is still lying vacant and yet the petitioner is not being regularized.

3.) *Per contra*, learned counsel for the respondent No.4 states that the petitioner cannot seek a *mandamus* on the ground of non-compliance of

the policy dated 17.11.2011 (Annexure P-7) in view of the fact that the petitioner himself concedes that he was appointed in the year 2011 and had not put in the requisite 3 years of service prior to issue of the said policy and, thus, he did not fulfil the prescribed requirement for regularization as envisaged in the said policy. I am in agreement with the contentions of the learned counsel for respondent No.4 that the petitioner could not have sought relief on the basis of the said policy. No doubt vide Resolution dated 25.09.2012 (Annexure P-8), the case of the petitioner was recommended by the Zila Parishad Council on the ground that he is rendering his services in a satisfactory manner and, therefore, is entitled to regularization despite him having put in only 1 year of service as on that date. But that does not help the petitioner, as he was not eligible for regularization as per policy, *ibid*.

4.) Be that as it may, keeping in view the fact that the petitioner has put in a continuous service of past about 8 years without any break, as contended by the learned counsel for the petitioner, coupled with the fact that a favourable recommendation was also made by the employer of the petitioner as also the fact that one post of Driver is lying vacant, the respondents are directed to consider the case of the petitioner for regularization on the ground of equity and pass appropriate orders as expeditiously as possible, preferably within a period of 3 months from the date of receipt of certified copy of this order.

5.) Disposed of.

(ARUN MONGA)
JUDGE

February 22, 2019.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes / No

Yes / No.