

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
(7 cases)+ AT CHANDIGARH
230 (1 case)

(1) CWP No.14045 of 2018
Date of Decision: 11.02.2020

Charu and others Petitioners
Versus
State of Punjab and others Respondents

(2) CWP No.20724 of 2018 (O&M)

Kulwant Singh and others Petitioners
Versus
State of Punjab and others Respondents

(3) CWP No.15704 of 2018 (O&M)

Ramandeep and another Petitioners
Versus
State of Punjab and others Respondents

(4) CWP No.25206 of 2018 (O&M)

Geetu Rani Petitioner
Versus
State of Punjab and others Respondents

(5) CWP No.15737 of 2018 (O&M)

Satinder and others Petitioners
Versus
State of Punjab and others Respondents

(6) CWP No.15822 of 2018 (O&M)

Netar Kumar and others Petitioners
Versus
State of Punjab and others Respondents

CWP No.14045 of 2018 and other connected cases

(7) CWP No.14386 of 2018 (O&M)

Reetu Bala and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(8) CWP No.14112 of 2018 (O&M)

Harwinder Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Anish Garg, Advocate
for the petitioners in all cases.

Mr. Luvinder Sofat, Asstt. Advocate General, Punjab.

Mr. Arshdeep Bhullar, Advocate
for respondent No.3 in CWP-14045 & 14386-2018 and
for respondent Nos.3 and 4 in CWP Nos.-20724, 15704, 25206,
15737, 15822 and 14112 of 2018.

NIRMALJIT KAUR, J.

All the aforementioned writ petitions shall stand decided by
this common order as the issue involved is identical.

For convenience, the facts are being taken from CWP
No.14045 of 2018.

The petitioners are basically claiming the benefit of
regularization through the policy issued by the State of Punjab dated
18.03.2011, which is placed on record as Annexure P-5 as also on the basis
of The Punjab Ad-hoc, Contractual, Daily Wage, Temporary, Work Charged

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and Outsourced Employees' Welfare Act, 2016 (for short, the Act, 2016), dated 24.12.2016, placed on record as Annexure-P-6.

The reliance of the petitioners for regularization on the policy dated 18.03.2011 does not help. The policy dated 18.03.2011 is not applicable to the petitioners as the cut off date is 01.04.2011, meaning thereby that the persons who had completed their three years of service upto 01.04.2011 and who were appointed on or before 01.04.2011 could avail the benefit of the said policy to succeed in their claim of regularization. The petitioners were admittedly appointed in the year 2013. Moreover, learned counsel for the petitioners has, very fairly at the outset, gave up the claim on the basis of policy dated 18.03.2011.

The next ground for seeking regularization on the basis of the Act, 2016 too is no more available to the petitioners in view of the affidavit filed by Raj Kumar Kapoor, Executive Officer, Improvement Trust, Rajpura in CWP-29117-2017, listed before the Division Bench of this Court on 16.08.2018. The said affidavit was filed in compliance of an order dated 06.04.2017 passed by the Division Bench in the said writ petition. As per para 3 of the said affidavit, the Government of Punjab had decided to repeal the Act, 2016. Para 3 of the said affidavit reads as under:-

“3. It is submitted that Government of Punjab has decided to repeal “The Punjab Ad-hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016”, and replace it with a new Bill. Accordingly, the matter of formulation of new Bill is under process.”

Accordingly, the Division Bench was pleased to adjourn the case bearing CWP-4187-2017 and other connected writ petitions,

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challenging the vires of Act, 2016 to enable the Government to formulate the new Bill. Meanwhile, it is also the stand of the respondents that the said Act was never adopted by the High Court, which is required to be adopted under Rule 11 of The Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997, before it is made applicable to the employees working in the Subordinate Courts.

In these circumstances, no relief can be granted, at this stage, on the basis of the aforesaid Act, 2016. Either this Court may also note that the petitioners were appointed, vide appointment letters issued in the year 2013 by clearly mentioning that their appointments were for a period of six months or till the regular appointments were made, whichever is earlier. Their services are sought to be dispensed with only in terms of the appointment letters by following the policy of 'last come first go' as per the seniority list, taking into account the selection and appointment of stenographers on regular basis so that they make room for the regularly selected stenographers as also keeping the working strength within the limit of sanctioned strength for the post of stenographers.

In view of the above, all the aforementioned writ petitions are accordingly dismissed being devoid of merit.

11.02.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No