

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

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Civil Writ Petition No.19589 of 2018

Date of Decision: January 29<sup>th</sup>, 2020

Kulwant Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. R.K. Arora, Advocate  
for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Petitioner has approached this Court praying for regularization of his services in the light of the Punjab Government Instructions dated 18.03.2011 read with Instructions dated 21.11.2011 as the petitioner is working with the respondents continuously as a Pump Operator with effect from 01.08.1992. The only reason why the respondents have denied the benefit of regularization of the services is that the ITI certificate possessed by the petitioner is of 9 months, whereas the requirement is of 1 year. Counsel contends that this very issue has been duly considered by this Court in *CWP No.21251 of 2014* titled as *Nasib Singh and others Versus The State of Punjab and others*, decided on 08.02.2017 (Annexure P-13), in which reliance has been placed upon the judgment of the Hon'ble Supreme Court in *Bhagwati Prasad Versus Delhi State Mineral Development Corporation, 1990 (1) RSJ 255* to hold that the petitioners have a right to continue on the post of Pump Operators having regard to the fact that they have gained enough experience on the said post and for regularization, reliance has been placed upon the Division Bench

judgment of this Court in the case of Pump Operators of the same department, to which the petitioner belongs i.e. *LPA No.113 of 2015* titled as *State of Punjab and others Versus Jagpal Singh*, decided on 03.03.2015, which judgment has been implemented by the respondents vide order dated 22.03.2017 (Annexure P-14). He, therefore, contends that the petitioner is similarly placed and thus, entitled to the same benefit in the light of the judgment of this Court, referred to above.

2. Counsel for the State could not dispute the arguments which have been raised by the petitioner on facts but he asserts that since the petitioner does not possess the minimum requisite qualification for regularization of the services as per the Instructions dated 18.03.2011 and 21.11.2011, the claim of the petitioner could not be accepted, however, he could not dispute the fact that the judgment passed by this Court in *CWP No.21251 of 2014* titled as *Nasib Singh and others Versus The State of Punjab and others* stands implemented. The fact with regard to the aspect that the person with similar qualifications, who were appointed subsequent to the petitioner i.e. juniors to him, have been regularized could also not be disputed.

3. Keeping in view the above position, the present writ petition is allowed.

4. Direction is issued to the to the respondents to consider the claim of the petitioner for regularization in the light of what has been observed and decided in Jagpal Singh's case (supra) as also Nasib Singh's case (supra) and grant the benefit from the date the persons junior to him have been granted the benefit except for the

financial benefits, which shall be paid to the petitioner with effect from 38 months prior to the date of filing of the writ petition.

January 29<sup>th</sup>, 2020  
*Puneet*

(AUGUSTINE GEORGE MASIH)  
JUDGE

|                            |     |
|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether Reportable:        | No  |