

LPA No.837 of 2016(O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

LPA No.837 of 2016(O&M)

Date of Decision:-29.01.2020

Gurdeep Singh & Ors.

.....Appellants.

Versus

**Guru Angad Dev Veterinary & Animal Sciences University, Ludhiana
& Ors.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present:- Mr. D.V. Sharma, Senior Advocate assisted by
Ms. Pooja, Advocate for the Appellants.

Mr. Birinder Singh Khehar, Advocate for respondent nos.1 & 2.

JASWANT SINGH, J.

Seventeen (17) appellants have filed the instant intra-court appeal under Clause X of the Letters Patent, whereby they have sought quashing of the impugned order dated 17.02.2016 passed by Ld. Single Judge, who has declined their prayer for regularization in view of the judgments passed by Hon'ble Supreme Court in **Secretary, State of Karnataka & others Vs Umadevi & Others; (2006) 4 SCC 1** and **Official Liquidator Vs Dayanand & others; (2008) 10 SCC 1.**

Learned Counsel for the appellants has argued that the learned Single Bench has declined the relief primarily on the two grounds i.e Firstly, there is no policy of regularization; and secondly, there is no case of any discrimination. It is

Single Bench are wrong, as it is evident from the policy decision taken by Government of Punjab Dated 18.03.2011 (P-29) that all the eligible employees are to be regularized as a “one time measure”. It is further submitted by him that there are numerous other contractual employees whose services have been regularized, however, they are being discriminated for no justifiable reasons. It is thus prayed that the impugned order dated 17.02.2016 be set aside and consequently, they be regularized.

On the other hand, learned Counsel for the respondents has argued that the order passed by learned Single Bench is absolutely correct as the appellants are working as daily paid labourers (DPL), and are not governed by any policy of the State Government as the University is an autonomous body, having its own Board of Management. The examples cited by appellants are of Government employees and therefore the assertions raised by appellants are without any basis. It is submitted that neither the policy of State Government was ever adopted by the University nor any daily paid employee has ever been regularized. Hence, prayer has been made for dismissal of the appeal.

We have heard learned Counsel for the parties at length and have scrutinized the paper book with their able assistance. However, we are of the opinion that the instant appeal is without any merit.

Admittedly, the appellants have been working on contractual basis since 2002 and have been discharging their duties as Daily Paid Labourers. It is further not in dispute that the respondent University i.e Guru Angad Dev Veterinary and Animal Sciences University, Ludhiana is an autonomous body having its own Board of Management. Once that is so, we are unable to accept the contention of learned Counsel for the appellants that the policy decision taken by State Government is automatically applicable upon the respondent –University. Infact, a bare perusal of the policy dated 18.03.2011 (P-29) would show that same has been addressed to Financial Commissioner/ Principal Secretary/ Secretary,

Govt. of Punjab for regularization of services of those employees who are working on daily wage/ work-charge basis **in different departments of State of Punjab**. Thus, it is seen that the Govt. of Punjab has itself left out employees of various Universities, as it was aware of the fact that Universities are autonomous bodies, having their own calendar and Rules to manage their employees. Until and unless a University adopts any of the policies framed by the Government, it is not bound to follow it. Hence, the first argument raised by counsel for the appellants is rejected.

As far as the second argument of discrimination is concerned, we are of the view that no instance has been brought to our notice, whereby any daily wager has been regularized by respondent-university. The cases cited are of contractual employees working in Government departments. Thus, no parity can be drawn amongst two different set of employees.

In view of the above, finding no merit, instant writ petition is hereby **dismissed**.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

January 29, 2020
Vinay

Whether speaking/reasoned	Yes
Whether Reportable	Yes