

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

114

CWP No.12344 of 2023
DECIDED ON: 20.07.2023

Amanbeer Singh

...Petitioner

VERSUS

Baba Farid University of Health
Sciences and another

....Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Virinder Kumar Shukla, Advocate, for the petitioner.
Mr. Paramjit Batta, Addl. A.G.Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. The petitioner by way of this writ petition prays for seeking regularization of his contractual services rendered with the respondents as a Hardware Technician on contract basis since 09.07.2012. He relies on a policy decision taken by the Punjab Govt. dated 18.03.2011 to submit that he has been working for more than three years on contractual basis and is therefore, entitled for regularization.

2. I have considered the submission and perused the order passed on 18.03.2011 by the Govt. of Punjab whereby they have directed that the services of those employees who are working on contract basis against sanctioned post and whose appointment were made by adopting proper procedure on the basis of qualification/eligibility fixed for the recruitment, be regularized w.e.f 01.04.2011 or on completion of three years contractual service, whichever is later, however, new posts will not be created for them. The said regular appointments will be subject to the condition of fulfilment of following conditions in its letter and spirit:-

2. xxxxx

a) *The regular appointment will be applicable from the date of issuance of order and the employee will not be given any benefit (notional or otherwise) of his past service. However, If in some departments, on the said date, any employee is appointed by direct recruitment after adopting proper procedure in the same, then the seniority of the employees to be regularized under this policy shall be fixed below him.*

b) *At the time of regularization, they will be given initial scale of the concerned cadre.*

c) *The compliance of reservation policy be ensured in its letter and spirit.*

d) *The new contributory pension scheme will be applicable on the employees to be regularized.*

e) *The compliance of the decision of Hon'ble Supreme Court be ensured in its letter and spirit.*

3. *Apart from above, the employee should also fulfill the following conditions:-*

(1) *The work and conduct of the employee with regard to past service should be satisfactory.*

(2) *If at the time of earlier appointment, document with regard to medical fitness certificate and date of birth certificate etc. as per govt. instructions have not been obtained, then the same be now obtained.*

(3) *At the time of regular appointment, it will be ensured that if the character and antecedents of the employee have not got verified from the police as per instructions then the same be got done now.*

4. *These regular appointments are made on the basis of the aforementioned conditions in view of the legal opinion, administrative*

need and in public interest. If any employee remains deprived from regularization due to non-fulfillment of requisite conditions, then he cannot claim regularization as a right. This action is ‘as a one-time measure’ and the same is to be implemented only in the departments mentioned in the Annexure and the process of regular apointments will be completed within period of six months from the date of issuance of this letter. No relaxation will be granted in these instructions.

- 5. xxx
- 6. xxx”

3. On perusal of the said decision, it is noticed that the State Govt. made it specific that the action is a ‘one time measure’ and is with reference to those employees who are working as on 18.03.2011. The instructions, therefore, would not help and operation in futuro and would not apply to the persons who had been appointed by a back door method on contract basis after 18.03.2011.

4. The writ petition is wholly misconceive and is dismissed.

20.07.2023	(SANJEEV PRAKASH SHARMA)
mamta	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No