

2023:PHHC:059879

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

1.CWP-24298-2016 (O&M)

Gopal Dass and others

....Petitioners

Versus

State of Punjab and others

..Respondents

2.CWP-26717-2016 (O&M)

Ravinder Kumar

....Petitioner

Versus

State of Punjab and others

..Respondents

Date of decision: 27.04.2023

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. R.S.Manhas, Advocate for the petitioners
in CWP-24298-2016

Mr. Deepak Arora, Advocate for the petitioner
in CWP-26717-2016

Mr. R.S.Pandher, Sr.DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. By this order, two connected Civil Writ Petitions i.e CWP-24298-2016 and 26717-2016 shall stand disposed of.

2. The relevant facts are taken from CWP-24298-2016.

3. The petitioners herein are working as the Part-Time Class IV employees for the State of Punjab. They pray for issuance of a writ in the nature of Certiorari to quash the order dated 05.11.2015 and 02.12.2014.

In substance, the petitioners claim that their services are required to be

regularized in terms of the policy decision dated 04.03.1999. While filing the reply, the State has taken the following stand:-

“4. That as per policy of the State Government formulated for the purpose of regularization of services of Part Time Workers, 25% available vacancies were to be filled up from the amongst eligible Part-Time Workers and at that time there existed 50 vacancies of class-IV were available in said District, out of which 13 available vacancies were required to be filled up from the amongst Part-Time Workers and these 13 available vacancies of Part-Time workers had been filled as per their merit of seniority of Part Time Workers as per policy of the State Government. Presently, no vacant post is available in District Pathankot. Therefore, petitioners have to still wait for regularization their service for the want of vacancies. In view of aforementioned submission, it is apparent that the orders passed by the answering respondent on dated 5-11-2015 and 2-11-2014 qua the petitioner 6, are reasonable, legal, justified, valid and in accordance with the aforesaid Punjab Government policy dated 4-3-1999.”

4. Learned counsel representing the petitioners submits that there were 251 posts of Class IV workers in the District Pathankot and the petitioners are entitled to be regularized on 25% of the total posts, which comes to 62 posts.

5. As is evident, the respondents-State has contested the petition while stating that on the day the policy was issued, there were 50

vacancies, out of which 13 posts were filled with the Part-Time Workers.

6. Learned counsel representing the petitioners submits that 25% posts of the sanctioned strength are required to be filled up from the Part-Time workers.

7. This Court has considered the submission of the learned counsel representing the parties. First of all, it would not be appropriate to issue any direction to regularize the services of temporary employees in view of the judgment passed by the Five Judges Bench of the Supreme Court in **Secretary, State of Karnataka vs. Uma Devi and others 2006 (4) SCC 1**. Secondly, the instructions will apply to the vacancies, which accrue from time to time. In reply, it has been pointed out that there is no vacant post available in Pathankot.

8. In view of the aforesaid facts and discussion, no ground to issue the writ, as prayed for, is made out.

9. Hence, dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

27.04.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE