

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4187 of 2013 (O&M)
Date of decision: 16.03.2023

Surinder Singh and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.C.Arora, Advocate and
Ms. Sunaina, Advocate,
for the petitioners.

Mr. D.K.Singal, Addl.A.G., Punjab

Mr. P.S.Thiara, Advocate and
Mr. A.P.S.Virk, Advocate,
for respondent no.3.

ANIL KSHETARPAL, J(Oral)

1. On 24.02.2023, the following order was passed:-

“Arguments have been heard at some length.

The petitioners are employed in the Centre for Training and Employment of Punjab Youth Welfare, which is a registered Society. When the proposal to regularize the services of the petitioners was forwarded to the Punjab Government, approval thereof was refused on the ground that the Society will have to bear the financial burden and if the Society has the funds it can proceed with the regularization. Subsequently, again a request was made to the Government but no approval was granted.

The benefit of Assured Career Progression Scheme 2006 was extended to the petitioners, however, subsequently it was withdrawn.

The learned counsel representing the petitioners

submits that the petitioners are being paid the same pay scale as regular employees of the Society. Hence, there will be no additional burden.

On the other hand, the learned counsel representing the respondent no.3 submits that the Society does not have any independent finances and it is wholly financed by the Government. He submits that the petitioners are back door entrants and regularization of their services would result in creation of additional burden which the Society cannot meet with particularly when the State Government has refused to provide additional funds.

At this stage, the learned counsel representing the petitioners prays for a short accommodation to cite the relevant case law about the status of autonomous bodies which are the wholly financed by the Government and its employees.

Adjourned to 16.03.2023.

To be listed in the urgent list.

A photocopy of this order be placed on the file of the other connected case.”

2. Sh. H.C.Arora, the learned counsel representing the petitioners has filed some documents to prove that the petitioners are not the back door entrants but are direct recruits.

3. Sh. P.S.Thiara, the learned counsel representing the Society submits that in view of the stand of the State, the management of the Society, though, recommended previously, but does not want to regularize the services of the petitioners. He has filed the affidavit of the Director General of the Society, dated, 14.03.2023, to this effect with a copy to the learned counsel representing the petitioners.

4. Keeping in view the aforesaid facts and discussion, no direction to the Society to regularize the services of the petitioners can be issued, particularly when the concept of regularization is in order to give protection under Article 311 of the Constitution of India which shall not be applicable to the autonomous body.

5. Disposed of accordingly.

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

March 16, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No