

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 12.05.2023

1. CWP-19995-2022

Ramandeep Kaur and others Petitioners

versus

Punjab School Education Board and others Respondents

2. CWP-21753-2022

Veerpal Kaur and others Petitioners

versus

Punjab School Education Board and others Respondents

3. CWP-21754-2022

Harpal Singh and others Petitioners

versus

Punjab School Education Board and others Respondents

4. CWP-24187-2022

Sarabjeet Kaur and others Petitioners

versus

Punjab School Education Board and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Baltej Singh Sidhu, Advocate
for the petitioners in CWP Nos.19995, 21753 and 21754
of 2022.

Mr. Atul Goyal, Advocate
for the petitioners in CWP No.24187 of 2022.

2023:PHHC:073430

Mr. Ranjit Singh Kalra, Advocate
for respondents No.1 and 2 in all cases.

PANKAJ JAIN, J. (Oral)

In this batch of writ petitions, the petitioners have impugned order dated 09.08.2022 (Annexure P-6), whereby they have been ordered to be relieved pursuant to order of retrenchment dated 28.11.2018 which reads as under:-

“ORDER, CHAIRMAN, PUNJAB SCHOOL EDUCATION BOARD

In the Adarsh Senior Secondary Schools run by the Punjab School Education Board, seasonal daily wage laborers were recruited in different schools as per the requirement of time and work. (1) Civil Writ Petition No. 9318 of 2018 (Mahan Singh and others Versus Punjab School Education Board and others) (2) Civil Writ Petition No. 4331 of 2018 (Gursevak Singh and others Vs. Punjab School Education Board and others) (3) Civil Writ Petition No. 2950 of 2018 (Ramandeep Kaur and others Vs. Punjab School Education Board and Others) were filed on 18.03.2011 by these seasonal daily wage laborers in the Hon'ble Punjab and Haryana High Court for regularization of their services.

2) Replies to the said 3 Civil Writ Petitions were filed by the counsel for the Board on behalf of the office. These cases were argued in the Hon'ble High Court on 5-9-2018 by the counsel for the Board and the Hon'ble High Court has passed the following orders while dismissing these 3 Civil Writ Petitions:

“CM allowed. Additional affidavit dated 31.08.2018 is taken on record.

At the time of hearing today, a written request for adjournment has been circulated on behalf of petitioners, which is vehemently opposed by counsel for the respondent board in the light of interim stay operating against the Board.

2023:PHHC:073430

Accordingly, this court has no option but to proceed with the case.

Counsel for the respondent-Board states that from the regularization policy (P-6) it is apparent that the same is not applicable to the case of daily wagers. He states that in similar circumstances this Court has already dismissed CWP no. 6278/2017 on 26.4.2018 titled as *Rajinder Kumar Vs. Punjab School Education Board, SAS Nagar, Mohali and others*. He further points out that from the additional affidavit dated it is apparent that petitioner No. 1 *Ramandeep Kaur*, petitioner No. 4 *Ranjeet Singh* and petitioner No. 5 *Harpal Singh* had earlier filed writ petitions before this court along with similarly situated persons seeking identically relief which were dismissed/ disposed of.

Without going into the question of concealment this court finds that the case of the petitioners is not cover under the policy (P-6) and instead has to be considered under the policy dated 18.03.2013 are (R-1/1) which governs the case of the employees like the petitioners working on daily wage basis wherein the essential requirement was as under:-

“(i) The daily wager/work charged employees who have completed 10 years of service in December 2006, are to be appointed on regular basis and for the said purpose posts may be created and all the employees who are eligible and fulfill the criteria as per the rules/regulations governing the post, be appointed on the said post.”

The petitioners concededly have been appointed after 2009, much less completed 10 years in December 2006, therefore, are not entitled for regularization of their service under the policy. For the reasons stated above, the present writ petition is dismissed.

3) Pursuant to the said orders passed by the Hon'ble Punjab and Haryana High Court, the services of the following daily wage laborers working in the Adarsh Senior Secondary Schools run by the Punjab School Education Board are terminated with immediate effect:-

Sr. No.	Name/Father's Name/Wife (sar Shri)	Name of school	Civil Writ Petition
1	Ramandeep Kaur/Harmel Singh	Bhagu (Sri) Muktsar Sahib	2950 of 2018

2023:PHHC:073430

2	Santosh Kumari/Om Nath Sharma	Bhagu (Sri Muktsar Sahib)	2950 of 2018
3	Lakhwinder Singh/Gurcharan Singh	Bhagu (Sri Muktsar Sahib)	2950 of 2018
4	Nikka/Mirchu Ram	Bhagu (Sri Muktsar Sahib)	2950 of 2018
5	Ranjit Singh/Major Singh	Nandgarh (Bathinda)	2950 of 2018
6	Harpal Singh/Gurnam Singh	Nandgarh (Bathinda)	2950 of 2018
7	Sulinder Singh/Tara Chand	Bhagu (Sri Muktsar Sahib)	2950 of 2018
8	Jasvir Kaur/Jora Singh and wife of Raja Ram	Bhagu (Sri Muktsar Sahib)	2950 of 2018
9	Veerpal Kaur/Angrej Singh	Bhagu (Sri Muktsar Sahib)	4331 of 2018
10.	Gursewak Singh/Mangal Singh	Eena Khera (Sri Muktsar Sahib)	4331 of 2018
11.	Sarabjit Kaur/ Kaka Singh	Eena Khera (Sri Muktsar Sahib)	4331 of 2018
12.	Manjit Kaur/ Joginder Singh	Eena Khera (Sri Muktsar Sahib)	4331 of 2018
13.	Rajwinder Kaur/ Lakhwinder Singh	Eena Khera (Sri Muktsar Sahib)	4331 of 2018
14.	Naginder Kaur/ Balraj Singh	Eena Khera (Sri Muktsar Sahib)	4331 of 2018
15.	Lakhvir Singh/ Gurpair Singh	Sahijada Sant Singh (Ferozepur)	4331 of 2018
16.	Mahil Singh/ Gurditt Singh	Raniwala (Sri Muktsar Sahib)	9318 of 2018
17.	Balvir Kaur/Foj Singh	Raniwala (Sri Muktsar Sahib)	9318 of 2018
18.	Surjit Singh/ Joginder Singh	Raniwala (Sri Muktsar Sahib)	9318 of 2018

(4) The said 18 daily wage laborers are instructed under Section 25 of the Industrial Disputes Act to be given retrenchment compensation at the rate of 15 days wages after one year that they should come to the office within 15 days from the date of termination and give their bank account number to transfer the compensation.

(5) After the issuance of these orders, if any fact / error / legal point comes to the notice of the office, then the office will have full right to amend accordingly.

Dated: Sahibjada Ajit Singh Nagar:

28.11.2018

Secretary

Punjab School Education Board”

2. Counsel for the petitioners are not in a position to deny the fact that in CWP No. 9318 of 2018, CWP No.4331 of 2018 and that CWP No.2950 of 2018, so far as the issue of retrenchment is concerned, the employees already stand relegated to alternate remedy before the Labour Court and so far as their claim for regularization is concerned, the same stands declined.
3. In view of the above, present writ petitions are disposed off without commenting anything on the merits qua retrenchment with liberty to the petitioners to approach Labour Court as per the provisions contained in Industrial Disputes Act, 1947.
4. Ordered accordingly.
5. A photocopy of this order be placed on the files of other connected cases.

(PANKAJ JAIN)
JUDGE

12.05.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No