

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

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**CWP-28917-2017 (O&M)
Date of decision: 16.02.2023**

Pardeep Kumar

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Anshul Agnihotri, Advocate and
Mr. U.K. Agnihotri, Advocate for the petitioner.

Mr. R.S. Budhwar, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of mandamus directing the respondents to release the minimum regular pay-scale of the post of Sweeper in the Grade Pay of Rs. 7440-9840 or any other permissible pay scale to the petitioner with all the consequential benefits as the petitioner has been working on the post of Sweeper against a vacant sanctioned post in the respondent-School continuously since 08.05.2007 and further to regularize the service of the petitioner.

Learned counsel for the petitioner submits that the petitioner has been continuously working on the post of Sweeper since 08.05.2007 in the respondent-School on part time basis and fulfills all the requisite conditions and qualifications for regularizing his service, but till date his case for regularization has not been considered by the respondent-Department. She

further submits that though the appointment of the petitioner is of a part-time Sweeper, but he is discharging his duties for the whole day and the duties and functioning of a part-time Sweeper and a regular Sweeper is same. As per the certificate dated 11.09.2017 issued by Head Master of respondent No.5-Govt. High School Giwana, District Sonapat, there is one vacant sanctioned post of Sweeper-cum-Chowkidar in the School. She also prays to fix the wages of the petitioner, at par with the minimum pay scale of regular engaged Government employees, holding the same post.

In support of her case, learned counsel for the petitioner relies upon the judgments rendered by the Hon'ble Supreme Court in 'State of Punjab and Others Vs. Jagjit Singh & Ors.' 2017(1) SCC 148 and 'Rupinder Kaur and others Vs. State of Punjab and others', 2017 (3) SCT 173.

Learned State counsel points out that as per written statement filed on behalf of respondent Nos. 1 to 5, in compliance of the direction passed by a Coordinate Bench of this Court in CWP-5926-2001 titled as 'Vidya Devi & Ors. Vs. State of Haryana and Ors', decided on 20.02.2002, the Director Secondary Education, Haryana, has made a policy dated 11.11.2023 for regularization the services of Class-IV employees working on part-time basis against regular sanctioned post and all the prior policies were superseded by this new Policy. A District level common seniority list of all Class-IV part-time employees working in Government Primary/Middle/High/Senior Secondary Schools and field offices, has been prepared on 30.06.2003 for regularization of the services of Class-IV part-time employees against vacant regular sanctioned posts and as the petitioner was appointed in the year 2007, the case of the petitioner will be considered on its turn.

I have heard the learned counsel for the parties and have also gone through the case file.

Admittedly, the petitioner has been continuously working as a part-time Sweeper since 08.05.2007 in the High School and one sanctioned post is also vacant in the said School

In view of the above, the present petition is disposed of with a direction to respondent No.2-Director General, Secondary Education, Haryana, to consider the case of the petitioner as per the Regularisation Policy-2003 as and when his turn comes. As far as the minimum wages is concerned, since no other Sweeper is working on the post of regular Sweeper-cum-Chowkidar in the School, the minimum pay scale be given/granted to the petitioner.

(HARNARESH SINGH GILL)
JUDGE

16.02.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No