

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARHSr. No.116LPA-1077-2024 (O&M)Date of decision : 09.07.2024

Punjab State Agriculture University, Ludhiana
and another

..... Appellants

Versus

Chhota Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
 HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr.Mukand Gupta, Advocate, for the appellants.

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DEEPAK SIBAL, J. (Oral)

(1) The instant intra court appeal is directed against the judgment of a learned Single Judge of this Court dated 05.12.2023, accepting the respondents' writ petition through which they had sought regularization of their services.

(2) A few essential facts may be noticed.

(3) In the year 1989 the respondents were appointed as Beldars by the appellant-University. In the year 1990 the respondents' services were terminated. Such action of the University was challenged by the respondents before the Labour Court at Bathinda. Through award dated 05.08.1992 the Labour Court opined that the University had illegally terminated the respondents' services. Resultantly, the respondents were directed to be reinstated with continuity of service and 50% back-wages. The University challenged the award of the Labour Court through filing of a writ petition before this Court which was dismissed on 26.05.2011. Such dismissal attained finality.

(4) The respondents were reinstated in service and they continued to serve the University as Beldars. After they had served the University for over ten years they knocked the doors of this Court seeking regularization of their services. Through the



impugned judgment the learned Single Judge has allowed the respondents' plea and directed the University to consider their case for regularization on completion of ten years of service. Arrears have also been directed to be released with interest @ 6% per annum.

(5) Learned counsel for the appellants submits that the services of the respondents could not have been ordered to be regularized as their services were not continuous; they had never served for more than 240 days in any calendar year; they had not been appointed against sanctioned posts and that they also did not have the necessary qualifications to be appointed as a Beldar.

(6) Learned counsel for the appellants has been heard.

(7) It is not disputed that all the 03 respondents were appointed as Beldars in the year 1989 and that since the date of their appointment respondent No.2 even presently serves the University, respondent No.1 served the University till the year 2017 and respondent No.3 served the University till she died on 22.04.2022.

(8) A perusal of the record further reveals that when in the year 1990 the respondents had approached the Labour Court challenging their termination it was nowhere the pleaded case of the University that the respondents did not hold the necessary qualifications to be appointed as Beldars or that they were not continuously serving the University or even that they had not completed 240 days of service in any calendar year. It was primarily stated that they were daily-wagers and therefore, were not entitled to any relief.

(9) The record further reveals that after the Labour Court had held the action of the University with regard to termination of the respondents' services to be illegal, the University had challenged the Labour Court's award through filing of a writ petition before this Court which petition was dismissed on 26.05.2011. Such dismissal was not only accepted but also implemented by the University.



(10) A perusal of the afore referred judgment of this Court dated 26.05.2011 further reveals that in such petition also the University had nowhere taken the objection that the respondents did not hold the required qualification for appointment as Beldars or that they were not in continuous service of the University or even that they had not put in 240 days of service in any preceding calendar year.

(11) In addition to the above factual position, the objection of the University that the respondents did not possess the requisite qualification for the posts of Beldars is liable to be ignored as the University has nowhere pleaded as to what were or are the prescribed qualifications for the post of Beldar as also what are the qualifications that the respondents possess.

(12) Even otherwise, it does not lie in the mouth of the University to even raise such an objection after having permitted the respondents to serve the University as Beldars for 30-35 years. For the same reason the other objection raised by the University that the respondents are not entitled to regularization as they were not working against sanctioned posts is also liable to be rejected.

(13) In the light of the afore peculiar facts where the respondents had/have served the University, on daily-wages, for 30-35 years, we find no reason to interfere with the impugned judgment ordering regularization of their services.

(14) Dismissed.

(15) All pending application(s) also stands disposed of.

[DEEPAK SIBAL]
JUDGE

09.07.2024
shamsher

[DEEPAK MANCHANDA]
JUDGE

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