



CWP-5578-1997

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

(101)

CWP-5578-1997

Date of Decision : September 16, 2024

Harmesh Singh and others**.. Petitioners****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Gurcharan Dass, Advocate, for the petitioners.

Mr. Charan Preet Singh, Assistant Advocate General, Punjab.

Ms. Gurpreet Kaur Bhatti, Advocate and

Mr. Damanjit Singh, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioners is that they are working in Shree Kali Devi Ji Mandir and Shree Raj Rajeshwari Devi Ji Mandir in Patiala and have approached this Court for regularization of their services in the said Mandirs keeping in view the various instructions which have been issued by the Government of Punjab, by placing reliance upon one of the recommendation made by the Deputy Commissioner of the area concerned.

2. Upon notice of motion, the respondents have filed the reply wherein, the respondents have stated that the petitioners are not the employees of the Government of Punjab but have been appointed by the

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management of the Mandir concerned and they are not being paid out of the state exchequer but they are being paid out of the funds generated from the 'golak' of the Mandir concerned i.e. they are 'golak' fund employees, hence, as there is no master and servant relationship between the petitioners, the benefit of regularization cannot be claimed from the State.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. In order to claim the benefit of regularization, the first rule which is to be established is that there is a master and servant relationship between the employee and the Government from whom the relief is being claimed. In the present case, it is a conceded fact that the petitioners are not the employees of the Government of Punjab but are working in the Mandirs, description of which have been given hereinbefore.

5. Learned counsel for the petitioners has also not been able to rebut the fact that the petitioners are not being paid by the state exchequer but are being paid out of the 'golak' maintained by the respective Mandirs.

6. This fact shows that the petitioners' salary is being taken out from the offerings/donations from the general public received by the Mandir concerned. Once, the petitioners are not being paid out of the state exchequer and are being paid out of the donations given by the devotees visiting the Mandir concerned, it cannot be said that the petitioners are the employees of the Government of Punjab and are being paid out of the state exchequer.

7. The only argument which has been raised by the learned counsel for the petitioners is that the Deputy Commissioner has made a

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recommendation to the Government to grant some status to the petitioners so that they can avail stability in life. No doubt, the stability in life is needed, however nothing has come on record that the petitioners' services have been terminated.

8. Further, only obligation upon the State is to look after the employees working for the State and not for every institution, even if the said institution is being supervised/managed by the Government. Master and servant relationship between the employee and Government is a must to claim the relief which is missing in this case.

9. Keeping in view the above, no ground is made out for the grant of relief as being claimed in the present writ petition.

10. Dismissed.

September 16, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No