



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 21.11.2024

(1) CWP-18443-2017 (O&M)

Vishaldeep Singh & othersPetitioners

VERSUS

State of Punjab and others
....Respondents

(2) CWP-16377-2017 (O&M)

Baljit Singh & othersPetitioners

VERSUS

State of Punjab and others
....Respondents

CORAM:- HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Puneet Sharma, Advocate for the petitioners.

Mr. Surya Kumar, A.A.G. Punjab.

Mr. Sanjeev Soni, Advocate for respondent No.3.

NAMIT KUMAR, J. (ORAL)

1. This order shall dispose of **CWP-18443-2017** and **CWP-16377-2017** by common judgment as the facts of these cases are same. At the request of learned counsel for the parties, facts are being taken from **CWP-18443-2017**.

2. The instant petition has been filed by the petitioners claiming the following reliefs:

“i) issue a writ, order or direction especially in the nature of mandamus directing the respondents to continue the contractual service of the petitioners in respondent No.3- Corporation until regular appointments are made as the



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petitioners are working against duly sanctioned posts which are lying vacant as per the law laid down by the Hon'ble Supreme Court of India as well as by this Hon'ble Court.

*ii) Further the respondents may be directed to pay the salary to the petitioners along with arrears thereof for the continuous service being rendered by them with respondent no.3 Corporation on their respective posts after the end of the contract period and to consider the case of eligible petitioners for regularization on their respective posts in view of the Punjab Adhoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees Welfare, Act, 2016, the respondents having taken no action despite legal notice **Annexure P-8** dated 22.02.2017, reminder **Annexure P-9** dated 10.04.2017 and legal notice **Annexure P-10** dated 12.06.2017.*

3. The case set up by the petitioners in the present petition is that some posts of Beldars, Helpers, Computer Operators, Mali-cum-Chowkidars and Multipurpose Health Workers were lying vacant in Municipal Corporation, Amritsar and respondent No.3-Corporation sought to fill these vacant posts on contract basis by inviting applications and the petitioners being eligible, applied for different posts, which were available as per their qualifications and they were interviewed and their documents were scrutinized and they were engaged on different posts on contract basis with respondent No.3-Corporation with effect from different dates at the monthly emoluments fixed by the Deputy Commissioner. Their service particulars as given in Para 3 of the petition are as under:



Sr. No.	Name	Designation	Sanction Period	Total Service	Pending Salary
1.	Vishaldeep Singh	Beldar	02.09.2014 to 15.01.2016	17 months	6 months
2	Jagroop Singh	Helper	01.03.2014 to 01.08.2015	17 months	
3	Danish Chawla	Computer Operator	05.03.2014 to 31.08.2015	18 months	
4	Sunny	Beldar	01.01.2015 to 30.06.2015	6 months	
5	Surinder Singh	Beldar	10.05.2014 to 10.07.2015	15 months	
6.	Harish Kumar	Beldar	08.09.2014 to 08.09.2015	12 months	
7	Kawaljit Singh	Mali-cum-Chowkidar	01.07.2014 to 27.09.2014 ----- 01.11.2014 to 30.10.2015	15 months	6 months
8	Manbirpal Singh	Computer Operator	01.11.2014 to 30.08.2015	10 months	
9	Amit Kumar	Beldar	26.10.2014 to 22.07.2015	9 months	
10	Naman Bhardwaj	Beldar	15.10.2011 to 29.08.2015	47 months	4 days
11	Gurmeet Singh	Mali-cum-Chowkidar	01.06.2012 to 01.02.2016	44 months	6 months
12	Anand Kumar	Beldar	01.10.2014 to 25.09.2015	11 months	1 month
13	Baljeet Rana	MPHW	06.08.2014 to 07.04.2016	20 months	
14	Amit Kumar	Helper	21.08.2014 to 21.04.2015	8 months	
15	Keshav	Beldar	14.11.2014 to 13.08.2015	9 months	
16	Rajiv Kumar	Beldar	27.09.2014 to 26.06.2015	9 months	
17	Charanjit Singh	Beldar	22.07.2013 to 31.10.2013 ----- 23.09.2014 to 17.09.2015	15 months	



4. In para 5 of the petition, it has been stated that petitioner No.1 was re-engaged as Beldar w.e.f. 30.07.2015 to 15.01.2016 and in similar manner, all the petitioners were engaged on contract basis against sanctioned posts and their contracts were extended from time to time. Before the end of their contract, petitioners requested for further extension, upon which it was recommended by their respective departments that the work and conduct of petitioners is good and since regular appointments are not being done and since work is available in the office, therefore, they deserve to be re-engaged for a further period against vacant posts on contract basis.

5. Written statement on behalf of respondent No.3 has been filed, wherein the following stand has been taken by the respondent;

“1. That the petitioners have not come to this Hon'ble Court with clean hand and have suppressed the material information therefore, are not entitled for any relief from this Hon'ble Court. It is submitted that the Municipal Corporation is a statutory body and enshrined under special act i.e. Punjab Municipal Corporation Act, 1976 and the corporation house is the competent authority to make any appointments in the Municipal Corporation Amritsar. In the case of the petitioners no such approval/resolution has ever been passed by the Municipal Corporation, Amritsar to appoint them even on the contractual basis. The contractual appointment of the petitioners was a back door entry and was influenced by various high ranked officers/politicians. After the expiry of their contractual period there was no extension in their contractual period and they were relieved from their duties.

2. That the Counsel for the petitioners has made



wrong statement before this Hon'ble Court that petitioners are working in Municipal Corporation but their salaries are not been paid. It is submitted that the petitioner have been paid for the period they have worked in the municipal Corporation, Amritsar and nothing is payable to the petitioner.”

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, notice of motion was issued on 21.08.2017 and the following order was passed;

“Learned counsel for the petitioners, inter alia, contends that the petitioners are working approximately for the last three years and their approval has expired. Their case was sent to the State Government, however, their response is still awaited. Learned counsel further submits that the petitioners are working but they are not being paid salary. Earlier a public notice for interview was issued but the same has been dropped.

Notice of motion.

On the asking of the Court, Ms. Anu Chatrath, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondents No.1 and 2.

Adjourned to 01.12.2017.

Meanwhile, status quo, as it exists today, shall be maintained.

However, the State counsel is directed to get instructions in the case or to file reply, if necessary.

Learned counsel for the petitioners is directed to supply three copies of the petition to learned State counsel during course of the day.”

have been disputed by the petitioners by filing replication, wherein it has been stated that apart from the period, which have been reproduced above, the petitioners have further performed their duties in the respondent No.3- Corporation. Therefore, they are entitled to be continue in service. The said fact has been disputed by learned counsel for the respondent No.3- Corporation. He has submitted that the petitioners have performed their duties only for the period as mentioned in the chart, which has been reproduced above and for the said period, the salary has already been paid.

9. Since, disputed questions of facts have arisen in the present petition, therefore, the same cannot be gone into in the present proceedings, in view of the law laid down by the Hon’ble Supreme Court in ***Chairman, Grid Corporation of Orissa Ltd. (Gridco) v. Smt. Sukamani Dass, 1999(4) RCR(Civil) 174; Bhagubhai Dhanabhai Khalasi and another v. The State of Gujrat and others, 2007(4)RCR(Civil) 519*** and this Court in ***RA-CW-373 of 2018 in/and CWP-18374 of 2018-M/s Balaji Enterprises v. Haryana Financial Corporation and another decided on 30.11.2018.***

10. Consequently, the present petition is dismissed.

11. However, petitioners shall be at liberty to avail the legal remedies as admissible to them, in accordance with law.

12. Pending application(s), if any, also stand disposed of.

(NAMIT KUMAR)
JUDGE

21.11.2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No