

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) CWP-25872-2015 (O&M)

MEENU GARG & ORS ...Petitioners

V/S

STATE OF PUNJAB & ORS ...Respondents

(2) CWP-6642-2016

MAMTA AND ORS ...Petitioners

V/S

STATE OF PUNJAB AND ORS ...Respondents

(3) CWP-9006-2016

MANAV JINDAL ...Petitioner

V/S

STATE OF PUNJAB AND ORS. ...Respondents

(4) CWP-13190-2017 (O&M)

RANVIR SINGH ...Petitioner

V/S

STATE OF PUNJAB AND ORS ...Respondents

(5) CWP-6596-2017

ATUL MAHAJAN ...Petitioner

V/S

STATE OF PUNJAB & ORS ...Respondents

CWP-25872-2015 (O&M)

2024:PHHC:001981

(6)

CWP-6872-2017

HARINDER SINGH

...Petitioner

V/S

STATE OF PUNJAB & ORS

...Respondents

(7)

CWP-27225-2017

GORAV @ GAURAV KUKREJA

...Petitioner

V/S

STATE OF PUNJAB & ORS

...Respondents

(8)

CWP-3995-2018

NAVEEN CHARLA & ANR

...Petitioners

V/S

STATE OF PUNJAB & ORS

...Respondents

Date of Decision: 09.01.2024

CORAM: HON’BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. B.S. Patwalia, Advocate for the petitioner
in CWP-6642-2016.

Mr. Daman Dhir, Advocate for the petitioners
in CWP-25872-2015 and CWP-9006-2016.

Mr. Himanshu Chhabra, Advocate for the petitioners
in CWP-27225-2017.

None for the petitioner (s) in CWP-6596-2017,
CWP-13190-2017, CWP-6872-2017 and CWP-3995-2018.
Ms. Shivani Sharma, DAG, Punjab.

Ms. Munisha Gandhi, Sr. Advocate with
Ms. Salina Chalana, Advocate for respondent No.3.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Admittedly, the petitioners' services stood dispensed with, whereafter they preferred these writ petitions for seeking regularization on the basis of policy issued by the State Government dated 18.03.2011.

2. Learned counsel appearing for the petitioner(s) submit that as on 18.03.2011, the petitioners were not in service and there was no break in service upto 07.05.2015, whereafter, their services were dispensed with. Thus, they have completed more than three years of service and they need to be regularized.

3. The *sine qua non* for consideration for regularization is that a person must be in service on the date when his case is being considered for regularization. As on today, the petitioners' services already stood dispensed with. It is also noticed that the petitioners were appointed on contract basis by the State Infrastructure Development Board (hereinafter referred to as 'PIDB') and their services were assigned to the Excise and Taxation Department for collection, realization and reconciliation of infrastructure development fees. The payment of consolidated salary was being paid by PIDB which continued for almost four years, whereafter, the PIDB withdrew its responsibility for payment of the contractual amount and it was left for the Excise and Taxation Department to continue and take a decision relating to the petitioners and such similar employees. The Excise and Taxation Department dispensed with their services as they did not want to continue the petitioners who were originally appointed on contract basis on a fixed salary of Rs.15,000/- by the PIDB.

4. Thus, this Court noticed that after 2015, the petitioners' services stood dispensed with and they are no more in service either with PIDB or the

Excise and Taxation Department. In these circumstances, it is not possible to

examine their case for regularization at all as they are no more in service. It is also noticed that the petitioners nowhere challenged their removal before the concerned Labour Court.

5. So far as their challenge to decision dated 10.04.2015 is concerned, the same is essentially a decision taken inter se the departments of Excise and Taxation and PIDB. The refusal to disburse salary by the PIDB, cannot be said in any manner to be unjustified as the work was being taken by the Excise and Taxation Department, which required manpower and resources and continued with the petitioners. Since the Excise and Taxation Department also took a decision of not increasing its manpower and there being no post, this Court would not direct the Excise and Taxation Department to reinstate the petitioners in service as they were not originally appointed by them.

6. In view thereof, the prayer of the petitioners is rejected and all the writ petitions are accordingly dismissed.

7. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

09.01.2024

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |