



CWP-20103-2018 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-20103-2018 (O&M)
Date of Decision :30.08.2024

Davinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.C. Arora, Advocate with Ms. Sunaina, Advocate
for the petitioners.

Mr. Swapan Shorey, DAG, Punjab.

Ms. Anu Chatrath, Senior Advocate with
Mr. Nishant Maini, Advocate for respondents No.2 and 3.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance being raised by the petitioners is that they competed for the post of Lecturer in pursuance to the advertisement issued by the respondents in September, 2014 (Annexure P/1).

As per the advertisement in question, though, the appointment to the post of Lecturer was to be made on contract basis but the service of the selected candidates were to be regularized on completion of 03 years of service subject to their work and conduct being satisfactory keeping in view



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the letter dated 02.05.2013 issued by the Government of Punjab. The petitioners were selected and appointed on the said post and are continuing working as there and upon completion of three years of service, their claim for regularization of their service was recommended by respondent-Board and approval was sought from the Government of Punjab for the same.

Learned counsel for the petitioners submits that despite the fact that competent authority i.e. Punjab School Education Board accepted the claim of the petitioners for regularization of their services keeping in view the terms and conditions of the advertisement as well as appointment letter, still the respondent-State sat over the decision of the respondent-Board, which is causing prejudice to the petitioners and forced the petitioners to file the present petition.

Learned counsel for the petitioners further submits that in the present case, the appointing authority of the petitioners is Punjab School Education Board and their salary is being paid by the respondent-Board hence, once, the respondent-Board accepted the claim of the petitioners for regularization of their services, there was no requirement of any approval to be sought from the Department of Education, Government of Punjab or even from the Finance Department, Government of Punjab,

Upon notice of motion, respondent-Board have filed reply wherein, they have conceded the claim of the petitioners by stating that the claim of the petitioners for regularization of their service in terms of the advertisement was already recommended by the respondent-Board and the same has been forwarded to seek approval of the Department of Education,



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Government of Punjab but as the approval has not yet been given, no formal order can be passed granting the said benefit to the petitioners.

On the other hand, learned counsel for the respondent-State submits that after the claim qua the regularization of services of the petitioners was received from the respondent-Board, the decision was taken by the Department of Education and the same was recommended to the Department of Personnel and the Department of Personnel vide their letter dated 06.10.2020 mentioned that as the Punjab Adhoc, Contractual, Daily Wages, Temporary, Work Charged and Outsourcing Employees Welfare Act, 2016 (hereinafter referred to as “2016 Act”) has been repealed and the Cabinet Sub Committee has been constituted to make recommendations of the new bills, the action be taken in accordance with the said advise hence, the services of the petitioners cannot be regularized.

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

It is a conceded fact that as per the Clause 7.3 of the advertisement, the services of the selected candidates were to be taken up for consideration for regularization of their service on completion of 3 years of service. Relevant Clause 7.3 of the advertisement is as under:-

“The services of the candidates to be appointed shall be considered for regularization on completion of 3 years of service, and subject to their work and conduct being satisfactory, in terms of Punjab Secretary, School Education Department Letter No.5/23/2013-5 C3/54676/1 dated 22.05.2013”

Further, on the basis of the said terms and conditions, the

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petitioners were selected and appointed. In the appointment order, same condition was imposed, which is as under:-

“On completion of 03 years satisfactory service your case shall be considered for regularization as per Government instructions”.

A bare perusal of the above would show that the claim of the petitioners was to be considered for regularization of their services not only as per the conditions of the advertisement but also as per the appointment order of the petitioners.

Further, the appointing authority of the petitioners is respondent-Board and the Board has already accepted the claim of the petitioners qua regularization of their services upon completion of 03 years of service and even recommended the same for the grant of approval of the Government of Punjab so as to regularize the services of the petitioners on the post on which they were working for over 03 years as their work and conduct was also found to be satisfactory. Once, the appointing authority has accepted the claim and even the salary of the petitioners is paid by the respondent-Board, no approval was necessary from the Department of Education, Government of Punjab, keeping in view the terms and conditions of the appointment order itself.

Even otherwise, the respondent-State has only mentioned that 2016 Act has been repealed so as to deny the benefit of regularization of the services of the petitioners but the same will not take away the right of the petitioners to claim the benefit of regularization of their services on the basis of the terms and conditions of the advertisement, which conditions were also



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the part of the appointment order especially, when said terms and conditions have been accepted by the competent authority/employer i.e. respondent-Board. Hence, keeping in view the fact that even during the course of hearing, learned counsel for the respondent-Board has not raised any objection qua the prayer of the petitioners as raised in the present petition and rather conceded the same, the respondent-Board is directed to pass an appropriate order on the claim of the petitioners for regularization of their services, which order will be passed keeping in view the terms and conditions of the advertisement as well as their appointment order.

Let the final order be passed within a period of 08 weeks from the date of receipt of copy of this order.

Present petition stands disposed of in above terms.

Civil miscellaneous application pending, if any is also disposed of.

August 30, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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