

2024:PHHC:033322

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 07.03.2024

1. CWP-22033-2017 (O&M)

Ramesh Kaur & Ors.
.....Petitioners
Versus
Punjab State Power Corporation Limited & Ors
.....Respondents

2. CWP-29188-2017 (O&M)

Balvir Kaur
.....Petitioner
Versus
Punjab State Power Corporation Limited & Ors
.....Respondents

3. CWP-6367-2022 (O&M)

Gulshan Ram
.....Petitioner
Versus
Punjab State Power Corporation Limited & Ors
.....Respondents

4. CWP-12220-2022 (O&M)

Roshan Lal & Ors.
.....Petitioners
Versus
Punjab State Power Corporation Limited & Ors
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. R.K. Arora, Advocate
with Mr. Jugam Arora, Advocate
for the petitioners (in all the cases)

Ms. Monica Chhibber Sharma, Advocate

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with Ms. Priyanka Goyal, Advocate
for respondents – PSPCL.
(in CWP Nos.22033 & 29188 of 2017
and CWP-6367-2022)

Mr. Rakesh Roy, Advocate
for Mr. Abhilaksh Gaing, Advocate
for the respondents (in CWP-12220-2022)

NAMIT KUMAR J. (Oral)

1. This judgment shall dispose of CWP Nos.22033 and 29188 of 2017 and CWP Nos.6367 and 12220 of 2022, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP No.22033 of 2017.

2. The petitioners have approached this Court by way of filing the present petition claiming regularization of their services and also quashing of letter dated 31.08.2017 (Annexure P-19), whereby it has been decided to relieve the petitioners on 30.09.2017 and for directing the respondents to consider and regularize the services of the petitioners, with all consequential benefits in terms of the Instructions of the Corporation, which have been framed as per the directions of this Court in CWP No.24394 of 2011, and further restraining the respondents from giving effect to the impugned orders dated 31.08.2017 (Annexure P-19, collectively) and to direct the respondents not to pass any adverse order against the petitioners as ordered in similar CWP No.8092 of 2017.

3. While issuing notice of motion on 26.09.2017, it was ordered that services of the petitioners shall not be dispensed with till the next date of hearing. The said interim order is still continuing.

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4. Learned counsel for the respondents submits that in view of the directions issued by a Division Bench of this Court in ***LPA No.95 of 2019 and other connected appeals***, titled as ***“Punjab State Power Corporation Limited and others vs Surinder Singh and others”***, decided on 23.12.2022, the Board of Directors of the Corporation have taken a decision to consider the claim of the part time employees, who have completed 10 years of service as on 10.04.2006, for regularization.

5. The operative part of the said judgment, reads as under:-

“32. Thus, once Powercom itself accepted its liability, it is for it to comply with the directions issued by the learned Single Judge. Accordingly, the present appeals are dismissed with the following directions:-

(i) That the Powercom shall firstly consider all employees including those of the erstwhile PSEB for regularization of employees who were working with it for a period of 10 years as on 10.04.2006 in view of the judgment in Uma Devi's case (supra) without any bar whether they were employed through employment exchange or through open advertisement in the press as they can be considered as irregular appointments on account of the length of the service.

(ii) Secondly, on account of the adoption of the policy on 07.05.2014, the employees are entitled for a writ of mandamus for similar consideration as per the policy dated 04.03.1999 and, therefore, the employees who had completed 10 years and had the requisite 80% attendance on 10.04.2006, would be necessarily considered and the stand that it would only be prospective from the date of adoption on 07.05.2014 is rejected.

(iii) Resultantly, the notice dated 02.02.2018

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whereby the decision was taken to outsource the part time employees without adjusting them and regularizing their services in pursuance of the directions of the Apex Court in Uma Devi's case (supra) is also held to be bad and illegal.”

6. In view of the above statement of the learned counsel for the respondents, the respondents shall consider the claim of the petitioners for regularization in terms of the decision of Board of Directors and the judgment passed by a Division Bench of this Court, within a period of 02 months from the date of receipt of certified copy of this order.
7. Till such time, the interim order dated 26.09.2017 granted by this Court shall continue.
8. In case any of the petitioner is still aggrieved against the decision so taken by the respondents, he/she shall be at liberty to avail his/her legal remedy, in accordance with law.
9. Disposed of in the abovesaid terms.
10. Pending application(s), if any, also stand disposed of.

(NAMIT KUMAR)
JUDGE

07.03.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No