



CWP-25823-2016 (O&M)

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

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**CWP-25823-2016 (O&M)
Date of Decision :16.09.2024**

Nirmala Devi and others**..Petitioners**

Versus

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

Present:- Mr. Sunil Chadha, Senior Advocate with
Mr. Tara Dutt, Advocate and Mr. Paras, Advocate
for the petitioners.

Mr. T.P.S. Chawla, Senior DAG, Punjab.

Mr. Vipin Mahajan, Advocate for respondent No.3.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance being raised by the petitioners is that their services have been terminated by the respondents whereas, they are entitled for regularization of their services under the Punjab Adhoc, Contractual, Daily Wages, Temporary, work charged, outsourced employees welfare Act, 2016 (in short, '2016 Act')

Learned counsel for the respondents submits that the respondents had engaged the services of the employees through outsourcing agency and the petitioners No. 5, 6 and 7 have already joined the service and are working with the respondents.

Learned counsel for the respondents further submits that the benefit of 2016 Act cannot be given keeping in view the fact that the State



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had decided not to implement the same keeping in view the order passed by the Division Bench of this Court in the case of **CWP-4187-2017 titled as Anika Gupta vs. State of Punjab and others.**

Learned counsel for the respondents further submits that in case, the petitioners also accepts to join the service through outsourcing agency as done by the petitioners No.5, 6 and 7, they can avail the same benefit by appropriate representation. Learned counsel for the respondents submits that the contract of the present outsourcing agency is going to expiry in October, 2024.

Keeping in view the facts mentioned hereinbefore, a direction is given that the petitioners be also given opportunity to work on the same terms and conditions as offered to the petitioners No.5, 6 and 7 starting from 01.11.2024 when there will be a change in the outsourcing agency.

With regard to the claim of regularization of services, as of now, no direction can be given keeping in view the direction given by Division Bench of this Court in the case of **Anika Gupta (supra)** and in case, any regularization policy is issued by the State and the petitioners are eligible to claim the benefit, the petitioners can avail appropriate remedy at that stage by invoking appropriate jurisdiction

Present petition is disposed of in above terms.

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

September 16, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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