

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

274

CWP-21462-2020 (O&M)

Date of decision: 08.04.2024

Paramjit Singh and another

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sunil Garg, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY, J (Oral)

1. The prayer in the present petition is made for quashing the orders of even dated 18.11.2019, Annexures P8 and P9, passed by respondent No.1 whereby claim of the petitioners to regularize their services has been rejected.
2. Learned counsel would submit that the petitioners, after having their names forwarded by the Employment Exchange, were appointed as Drivers on daily wage basis, on 01.08.2000 and 11.11.2002, respectively, however, their services have yet not been regularized. The similarly situated employees who were also working on the same post in the same department had filed CWP-6712-2014, **Gurmukh Singh vs. State of Punjab and others**, which was allowed vide judgment dated 06.02.2018, Annexure P-6 against which no LPA was filed and stands implemented. As mentioned in para 4 of the present petition, 18 more employees have been regularized pertaining to the policy dated 23.01.2001 which was subject matter of the aforesaid petition, the relevant paras whereof read thus:-

“It is to be noticed that petitioner No.1 and 2 in CWP No.17842 of 2016 have been working as driver on daily wages since 29.04.2000 and 26.10.2002 whereas, the petitioner in CWP No.6712 of 2014 is in service since 12.04.2001. The fact that the

petitioners have been in continuous service for the last 16-18 years belies the claim of the respondents that there is no need of post of driver. It is not the case of the respondents that they do not require services of drivers. In this regard, it would be relevant to reproduce the recommendation made by DDPO, Gurdaspur to the Director, Rural Development and Panchayat Development, Punjab, Mohali:-

“In reference to the above mentioned subject and in continuation of the letters, it is again respectfully prayed that the jeep of the office which has been purchased from the funds of the Panchayat Samitis with the consent of the Govt., but since the office did not have a regular driver's post, vide letter from this office No.1411 dated 29.04.2000 Sh. Gurdip Singh s/o Jaswant Singh r/o Vill. Dauwal, Tehsil and District Gurdaspur is employed under Daily wages as per conditions prescribed by the Deputy Commissioner. In this manner, this employee has been working on this post continuously for a period of around 12 years. In the Blocks of Punjab State the regular post of Driver has been notified by the Govt. The employee is a matriculate and he also possesses a valid Driver's Licence. The employee is very hardworking and punctual. The employee is a family man and in these inflationary times, due to a meager salary he is facing a lot of difficulties as he has to send his children to school and also bring them up. Hence, it is respectfully prayed that considering the previous time service and the good services provided by Sh. Gurdip Singh, he be considered for recruitment to the regular post of Driver.”

To the similar effect is the letter dated 03.05.2010 written by BDPO, Dera Baba Nanak recommending the name of petitioner Gurmukh Singh for being regularised. Faced with the position that the petitioners have been discharging their duties as Drivers for the last 16-18 years; their employers have recommended their names for regularization of their services, this Court is of the opinion that the stand taken by the State that there is no sanctioned post cannot be accepted at all. In fact, the need of the Drivers is duly established from the record maintained by the respondents but the respondents have devised a ploy to take the services of drivers by retaining them as daily wagers which is unfair labour practice and exploitation of workers. This conduct of the State is against the Constitutional goals cherished by its framers.

In view of above, both the writ petitions are allowed. The order dated 31.05.2013 (Annexure P-3) in CWP No.6712 of 2014 and order dated 23.10.2015 (Annexure P-9) in CWP No.17842 of 2016 are quashed. The respondents are directed to regularize the services of the petitioners.”

3. Learned State counsel despite his best efforts was unable to controvert the factual position and draw out any distinctive aspects in the

aforementioned judgment or cite any contrary law and aforesaid facts have also not been disputed in the written statement.

4. As a consequence, the present petition is allowed in terms of the judgment passed in **Gurmukh Singh** (supra) and the orders dated 18.11.2019, Annexures P8 and P9 are hereby set aside.

08.04.2024
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(**AMAN CHAUDHARY**)
JUDGE

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