



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-26732-2021 (O&M)
Date of decision: 24.05.2024

Mukesh Dutt

....Petitioner

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 made in the present petition is for quashing the order dated 06.08.2020 passed by respondent No.1, whereby the claim of the petitioner to regularise his services has been rejected.
2. Learned counsel submits that the petitioner was appointed as a driver on daily wage basis on 16.02.2004, against a vacant post by the Panchayat Samiti Block as per Government Policy. He was thereafter transferred by Special Secretary, Department of Rural Development and Panchayat on 10.09.2012 to Block Samiti, Mukerian, then to Block Samiti, Bamial and thereupon to Block Samiti, Gharota, District Bathinda. He has now been working in the office of Block Development and Panchayat, Pathankot. Despite rendering more than 20 years of service, he has not been regularised while 18 similarly situated employees working, whose names have been mentioned in para 4 of the petition, were regularised, on basis of the policy dated 23.01.2001 His case is squarely covered by the judgment in CWP-6712-2014 titled as **Gurmukh Singh vs. State of**



Punjab and Others, which was allowed by this Court vide judgment dated 06.02.2018, against which no LPA was filed and the same stands implemented.

Relevant paras whereof read thus:-

“XX XX XX

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 has not been able to controvert the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.
- 4. In wake of the aforesaid, the present petition is disposed of in terms of the judgment passed in **Gurmukh Singh** (supra).

(AMAN CHAUDHARY)
JUDGE

24.05.2024
M.Kamra

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