

of law in the background of common set of facts and thus they are being decided by a common order.

The prayer of the petitioner(s) is that they are working with the Department of Technical Education and they are entitled for the release of the regular salary admissible to them keeping in view that their services have already been regularised but they are not being paid the salary in a regular scale, which is arbitrary and illegal.

Certain employees of the same Department are also before this Court to say that the order passed for regularisation of certain employees is in an arbitrary manner by pick and choose method hence, either the services of all the employees should be regularised or there should be an appropriate decision as to whose services are to be regularised keeping in view the number of posts available and against which post.

Upon notice of motion, the respondents have filed the reply, wherein they have stated that the petitioner(s) are working in the Rural Institute for Vocational Training. As per the respondents, certain benefits were granted to the employees qua regularisation of their services and their services were regularised but, later on, keeping in view the letter dated 21.03.2017 (Annexure R-1) issued by the Government, the process of regularisation of the services and the grant of the benefit was stayed.

Learned State counsel submits that even as of now, keeping in view the fact regularisation involves financial aspect also, the decision is yet to be taken from where the financial expenditure will be borne and till the same is decided, not only the orders regularising the services of the employees but the consequential benefits have been withheld.

Learned counsel for the petitioner in CWP No.32316 of 2024 and CWP No.27334 of 2018 submits that a period of more than 6 years have elapsed but the respondents are sitting over the matter and the petitioner(s) are prejudiced as despite order of regularisation in their favour, they are not being paid the regular salary admissible to the post on which the petitioner(s) are working.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Keeping in view the fact that certain orders have already been passed granting the benefit of regularisation in favour of certain employees, which orders are also being challenged by the other employees being arbitrary and illegal but, the fact remains that the said issue is pending before the State Government with regard to the fact whether the order regularising the services of the employees is valid or not and from where, the Institute will generate the funds to give the regular salary to the petitioner. The matter is pending consideration with the Government for the last 7 years. Hence, the Department of Technical Education/ the competent authority, are directed to pass appropriate orders as to whether, the services of the petitioner(s), who are working with the Rural Institute are to be regularised, if yes, from which date the regular salary is to be paid. In case, it is found that the services are not to be regularised, due reasons should be mentioned in the speaking order so that the petitioner(s) can avail appropriate remedy, in case they are aggrieved in any manner.

Let, the abovesaid decision be taken by the competent authority within a period of 3 months from the receipt of copy of this order.

Learned counsel for the petitioner(s) submits that the salary of the petitioner(s) upto date is yet to be paid though, the petitioner(s) are working.

Learned counsel for the respondents are directed that in case, the salary of any employee is pending as of now, the same be released within a period of 4 weeks from today and an appropriate affidavit be filed before this Court stating that the employees who are working with the respondents, their salary has already been paid upto date and there are no arrears left.

Present petitions are disposed of in above terms.

Pending application, if any, also stands disposed of.

Photocopy of this order be placed on the files of other connected cases.

10-12-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO