

(2013) 09 P&H CK 0419

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 19491 of 2013 (O and M)

Jagjit Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Sept. 4, 2013

Acts Referred:

- Constitution of India, 1950 - Article 14, 16

Hon'ble Judges: Tejinder Singh Dhindsa, J

Bench: Single Bench

Advocate: Arti, for the Appellant;

Final Decision: Dismissed

Judgement

Tejinder Singh Dhindsa, J.

The petitioners have approached this Court praying for the issuance of a Writ of Mandamus for directing the respondents to consider their claim for regularization in service in the light of Govt. Policy dated 18.3.2011 at Annexure P-7. Learned counsel for the petitioners has been heard at length.

2. To consider the claim raised in the instant writ petition, it would be apposite to refer to the policy dated 18.3.2011 at Annexure P-7 on the strength of which the prayer for regularization has been raised. Such policy has been issued on the subject of regularization of appointment of various employees working on contractual basis in the different departments. The policy clearly envisages that such employees, who are working on permanent posts on contract basis and who were appointed after fulfilling the eligibility criteria as per proper procedure, their services be regularized upon completion of 3 years contractual service.

3. The pleaded case of the petitioners themselves is that they were engaged on a contractual basis w.e.f. 1.1.2010 through the mode of outsourcing. The posts against which they were engaged were never advertised. No Regular Selection Committee was constituted in pursuance to which such contractual engagement

was offered to them. Even appointment letters have not been issued.

4. Suffice it to observe that for claiming the benefit of regularization in service, the initial employment/engagement has to conform to the basic rules of equality and scheme of appointment as enshrined in Articles 14 and 16 of the Constitution of India. Such a scheme would contemplate the post to be advertised, an eligibility criteria to be laid down and thereafter to afford a chance to all eligible candidates to apply and compete for the post. It would be impermissible in law for an employee, in the first instance, to secure contractual employment on a fortuitous basis, through the office of some private placement agency and thereafter to raise a claim to be regularized in service.

5. The present writ petition is completely lacking in merit and is, accordingly, dismissed. Petition dismissed.