
(2014) 07 P&H CK 0348

In the Punjab And Haryana At Chandigarh

Case No : Letters Patent Appeal No. 1126 of 2014 (O&M)

Haryana Vidyut Parsaran Nigam Limited

APPELLANT

Vs

Gian Chand

RESPONDENT

Date of Decision : 17-07-2014

Acts Referred:

Citation : (2014) 07 P&H CK 0348

Hon'ble Judges : Jasbir Singh, J; Harinder Singh Sidhu, J

Bench : Division Bench

Advocate : Pardeep Singh Poonia, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Jasbir Singh, J.

Civil Misc. No. 2535-LPA of 2014

1. In view of averments made in this application, the same is allowed. Delay of 40 days in filing the appeal stands condoned.

Letters Patent Appeal No. 1126 of 2014

2. This appeal has been filed against an order dated 22.4.2014 allowing Civil Writ Petition No. 11368 of 2012 filed by the private respondents. It is not in dispute that the private respondents were taken in service in and around the year 1995 as Sweepers and Malis, respectively. There is also no dispute that in that capacity, they were continued till such time they filed above writ petition in the year 2012. Their prayer was to issue directions to the appellants to regularize them in service ignoring condition No. 3, which was adopted by the appellant on 28.10.2011. To regularize service of temporary employees of Group "C" & "D", following conditions were carved out in that policy.

(i) They should complete minimum 10 years of service on 10.04.2006 and should be still in service.

(ii) The concerned person should possess requisite minimum qualification for appointment to the post.

(iii) His initial appointment should be against the vacant post and his name should have been sponsored through the Employment Exchange/Public Notice and he should have been recommended by a duly constituted Selection Committee.

3. It is not in dispute that all the private respondents fulfilled condition Nos. 1 and 2, however, they were not meeting the requirement of condition No. 3 i.e. they were not appointed through Employment Exchange. However, there is no dispute that at the time when they were appointed, sufficient number of posts were lying vacant.

4. The learned Single Judge taking note of the above said fact and also noting that similarly situated employees, who came to this Court by filing Civil Writ Petition No. 13529 titled as "Satya Dev v. Haryana Vidut Prasaran Nigam Limited" and taking note of their length of service, they were ordered to be regularized ignoring rigour of condition No. 3. All the respondents had spent more than 19 years in service. Despite availability of posts, no attempt was made to fill up those posts on regular basis. Rather in a very irrational manner, the appellant allowed them to work by paying less salary against the posts in question. Action amounts to unfair labour practice. Had the respondents been told initially when they had spent few years of service that their services would not be regularized, they would have applied and may be selected for some other suitable posts. It was not so done. It is not in dispute that the similarly situated employees were ordered to be regularized in terms of the ratio of judgment rendered in Satya Dev (supra), which has been referred to by the learned Single Judge to give relief to the private respondents.

5. In view of above, no case is made out to cause interference by this Court in the present appeal.

6. Dismissed.