

(2006) 05 P&H CK 0147

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No's. 9450 and 10739 of 2005

Rakesh Kumar and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 02-05-2006

Acts Referred:

Citation : (2006) 143 PLR 595

Hon'ble Judges : S.S. Nijjar, J; Ajai Lamba, J

Bench : Division Bench

Advocate : Tribhuwan Single and Sanjiv Kondal, for the Appellant; Nilopher Parveen, A.A.G. and Munish Bansal, for the Respondent

Final Decision : Dismissed

Judgement

S.S. Nijjar, J.—This order will dispose of C.W.P. Nos. 9450 of 2005 and 10739 of 2005 as common questions of law are involved in both the writ petitions.

2. In the present case, a prayer has been made for directing the respondents to regularize the services of the petitioner or in the alternative the respondents be directed to frame the new policy to include the contract basis employees for regularization with the Nagar Panchayat, Bhogpur as the claim of the petitioners for regularization has not been accepted.

3. The respondents have filed written statement. It has been pleaded that the petitioners have been appointed on contract basis for a specific contractual period. The relationship of employer and employee comes to an end on the expiry of the contractual period. It is accepted that Government of Punjab has issued policy instructions for regularization of work charged/daily wages and other category employees. These instructions are applicable to the Local Bodies also. However, the instructions do not cover the contract employees.

4. We have heard the learned Counsel for the parties and perused the paper-book.

5. Learned Counsel for the petitioners vehemently argues that the regularization of the services of the petitioners have been strongly recommended by the Municipal Committee. Sanctioned posts are available. The petitioners have put in long years of service. Arbitrarily, the services of the petitioners are not being regularized. Learned Counsel for the petitioners also argues that the employees of the respondent-Nagar Panchayat are being discriminated by the Government as it is controlled by the B.J.P. Similarly situated employees in other Committees are being permitted to continue in service whereas a direction has been issued in the present case to terminate the services of the employees.

6. Learned Counsel for the respondents submit that the matter with regard to regularization of contract employees has been examined by the Supreme Court in the case of State of Haryana and Ors. v. Charanjit Singh and Ors. J.T. 2005 (12) SC 476 and in view of the law laid down by the Supreme Court, the petitioners are not entitled to any relief.

7. We have considered the entire matter. We are of the opinion that no relief can be granted to the petitioners, in view of the law laid down by the Supreme Court. In the case of State of Haryana and Ors. v. Charanjit Singh and Ors. (supra). It has been categorically held by the Supreme court that the terms and conditions of the contract employees would be governed by the offer of individual contracts and no direction can be issued for regularization. This apart, again the Supreme Court has laid down the law with regard to regularization of services of the contract employees in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, . In the aforesaid case, it has been held that contract employees would be governed by the terms and conditions of the offer of contract. In our opinion, no legal right of the petitioners has been infringed.

In view of the above, both the writ petitions are dismissed. No costs.