
(2016) 09 P&H CK 0260

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 1217 of 2013 (O&M)

Sukhdev Singh Sandhu

APPELLANT

Vs

Punjab State Power Corporation Limited

RESPONDENT

Date of Decision : 01-09-2016

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2016) 4 SCT 436

Hon'ble Judges : Jaswant Singh, J.

Bench : Single Bench

Advocate : D.S. Pheruman, Advocate, for the Petitioner; Vikas Chatrath, Neeru Thakur and Mani Karan Khokhar, Advocates, for the Respondent No. 1-PSPCL; Shakti Mehta for Sandeep Khunger, Advocates, for the Respondent No. 2-Municipal Corporation

Final Decision : Dismissed

Judgement

Jaswant Singh, J. (Oral)—Petitioner-Sukhdev Singh Sandhu is working as Assistant Engineer with the Punjab State Power Corporation Limited (PSPCL)/respondent No. 1. He has laid challenge to the order dated 10.07.2012 (Annexure P-11) whereby his claim for regularisation of services as Apprentice Engineer with effect from his date of joining on temporary basis i.e. from 30.04.1986 with all consequential benefits has been declined.

2. Learned counsel for the parties heard at length.

3. It is not in dispute that the petitioner along with other employees was appointed on 30.04.1986 on ad hoc basis as Apprentice Engineer in the erstwhile Municipal Corporation (Electricity Wing), Amritsar. The petitioner along with his colleague Balkar Singh apprehending termination of his services, filed a writ petition bearing CWP No. 9768 of 1987 with further prayer for a direction to regularise their services with the Municipal Corporation, Amritsar, and interim order was passed protecting their continuance of ad hoc services, from being dispensed with, during the pendency of the writ petition. The said writ petition

was finally disposed of vide order dated 22.01.2003 (Annexure P-4) which reads as under:-

Present: Shri G.S. Bajwa, Advocate for the petitioners.

None for the respondents.

This is a petition for issuance of a writ in the nature of mandamus directing the respondents to regularise the services of the petitioners on the posts of Apprentice Engineers.

After arguing the case for some time, Shri Bajwa made a request that his clients may be permitted to withdraw the writ petition with liberty to make representation to the employer for regularisation of their services as per the existing policy.

In my opinion, the request made by the learned counsel is reasonable and merits acceptance.

Hence, the writ petition is dismissed as withdrawn with liberty to the petitioners to represent for regularisation of their services as per the existing policy of the State Government.

I hope that the competent authority will take appropriate decision in the matter keeping in view the fact that the petitioners have been in the service of Municipal Corporation, Amritsar for last more than 16 years which is almost half of the normal service span of an employee.

January 22, 2003

-Sd-

(G.S. Singhvi) Judge

4. It had transpired that w.e.f. 01.04.1995, the work of Electricity Wing of the Municipal Corporation, Amritsar was transferred and merged with the Punjab State Electricity Board, however, at the time of passing of the order dated 22.01.2003 (P-4), this fact was not brought to the notice of the Court nor any amendment was made as the direction for consideration for regularisation as per the existing policy would have bound down the Punjab State Electricity Board i.e. succeeding employer of the petitioners therein.

5. Be that as it may, the erstwhile PSEB vide office order dated 30.12.2004 (Annexure P-6) regularised the services of the petitioner w.e.f. 20.09.2004, his claim for regularisation from the back date i.e. from 30.04.1986 were declined vide order dated 19.12.2005 (Annexure P-8).

6. The said orders were challenged by the petitioners by filing another writ petition bearing CWP No. 453 of 2006 by claiming that the directions of this

Court on 22.01.2003 (P-4) have not been followed in its true spirit. The said writ petition was disposed of vide order dated 31.08.2010 (Annexure P-9) directing passing of a fresh speaking order qua his claim for regularisation of services from the date of his appointment on ad hoc basis i.e. from 30.04.1986.

7. The erstwhile Punjab State Electricity Board was bifurcated and the succeeding employer of the petitioner came to be Punjab State Power Corporation Limited (PSPCL) w.e.f. 16.04.2010. This fact was also not brought to the notice at the time of directions issued on 31.08.2010 (P-9), however, respondent No. 1/PSPCL vide speaking order 10.07.2012 (Annexure P-11) has declined the claim of the petitioner on the ground that no discrimination had been perpetrated as the co-employee, namely, Paramjit Kumar, whose services had been regularized, had initially been inducted after following regular procedure of recruitment. Whereas the other ground stated is that the case of the petitioner could only be considered under the policy dated 26.05.2003 (Annexure P-17) which was extended to the employees of the Autonomous Bodies, Corporations and Boards, etc.

8. Even at the time of arguments, learned counsel for the petitioner is unable to show any other policy prior to 26.05.2003 (P-17), which was made applicable to Boards/Municipal Corporation/PSEB etc. The stand of counsel for respondent No. 1/PSPCL that in terms of the order dated 22.01.2003 (P-4), the services of the petitioner were regularised as per the existing policy (P-17) in terms of the order dated 22.01.2003 (reproduced herein above) is thus accepted, hence, there is no illegality in the impugned order dated 10.07.2012 (P-11), and the same is liable to be accepted.

9. In view of above, this Court finds no illegality in the impugned order dated 10.07.2012 (P-11), passed by the PSPCL/respondent No. 1 and there is no material available on record which would entitle the petitioner to substantiate his case for regularisation w.e.f. 24/30.04.1986 with the Municipal Corporation, Amritsar.

10. Accordingly, the present petition stands dismissed.