

State of Punjab and Others

v.

Sardara Singh

(Supreme Court Of India)

HON'BLE JUSTICE S. C. AGRAWAL HON'BLE JUSTICE S. R. BABU

Civil Appeal No. 8269 of 1997 (Arising out of SLP (C) No. 18622 of 1997.) |
24-11-1997

1. Delay condoned.

2. Special leave granted.

3. By the impugned judgment, the High Court has directed that the respondent who has been employed on daily-wage basis as a labourer should be regularised since he has put in more than three years of service. The submission of Shri Sodhi, the learned counsel appearing for the appellants, is that the State Government has framed a scheme for regularisation vide circular dated 7-5-1993 and that the regularisation could only be made in accordance with the said scheme. We find merit in the said contention. The High Court could not direct for regularisation of the respondent but could only direct the appellants to frame a scheme for the said regularisation and since the scheme has already been framed, the regularisation can only be made in accordance with the said scheme. In these circumstances, the appeal is allowed and the directions given by the High Court regarding regularisation of the respondent is set aside and it is directed that the appellants shall consider the matter of regularisation of the respondent in accordance with the scheme, as revised from time to time, as per the circular dated 7-5-1993. No order as to costs.