

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

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**CM-5640-LPA-2025 in/and
LPA-2235-2025 (O&M)
Date of decision : 20.08.2025****State of Punjab and others****... Appellants****Versus****Bohar Singh****...Respondent****CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Swapan Shorey, DAG, Punjab
for the appellants.

Mr. Judgepreet Singh Warring, Advocate
for the respondent.

Anupinder Singh Grewal, J. (Oral)**CM-5640-LPA-2025**

This is an application seeking condonation of delay of 440 days in preferring the appeal.

Issue notice to the respondent.

Mr. Judgepreet Singh Warring, Advocate accepts notice on behalf of the respondent and submits that he has no objection if the delay is condoned.

For the reasons stated in the application, same is allowed and delay of 440 days in preferring the appeal is condoned.

Main case

This Letters Patent Appeal by the State is directed against the judgment of the Single Bench dated 16.04.2024, whereby the writ petition was disposed of in terms of the judgment dated 23.08.2023 passed in CWP-2269-2016.



2. Learned counsel for the appellants submits that the writ petition preferred by the respondent has been erroneously disposed of by the Single Bench in terms of the judgment dated 23.08.2023 passed in CWP-2269-2016. However, in CWP-2269-2016, the petitioner therein had sought regularization of his services under the instructions dated 23.01.2001 whereas the respondent herein had sought regularization of his services in accordance with the Government Instructions dated 18.03.2011 (Annexure P-4).

3. Learned counsel for the respondent submits that although the respondent had sought regularization under the 2011 Policy but the case of the respondent for regularization of his service is squarely covered under the 2001 Policy as well and therefore, the Single Bench had rightly disposed of the writ petition in terms of the judgment in CWP-2269-2016. He further submits that juniors of the respondent including one Lakhbir Singh has been regularized.

4. Heard.

5. Respondent had been working on the post of 'Chowkidar' with the appellants since 13.11.1997 and had preferred a writ petition seeking regularization of his services. A perusal of the impugned judgment reveals that during proceedings before the Single Bench, one Mr. Balwinder Singh, Clerk from the Department, who was present in Court had made a categorical statement that the Department had decided to implement the judgment in CWP-2269-2016 and the respondent is entitled to the benefits at par with the petitioner in CWP-2269-2016. It was in this background that the Single Bench had disposed of the writ petition in terms of the said judgment. Once it has been conceded by the appellants that the respondent is similarly situated as the petitioner in CWP-2269-2016, the



State cannot turn around and raise a bald plea that the respondent did not claim the benefit of regularization under the 2001 policy.

6. In CWP-2269-2016, the Single Bench after hearing the learned counsel for the parties had held that the petitioner therein would be entitled to regularization of his services w.e.f. 23.01.2001 as per policy dated 20.01.2001. The aforesaid policy provided that those employees, who have put in three years of services would be eligible to be considered for regularization of their services. The petitioner therein is stated to have worked as a 'Chowkidar' with the Department since February, 1997 and had attained the age of superannuation on 31.05.2023. The Single Bench had noticed that a regular sanctioned post of 'Chowkidar' was available with the Department and the petitioner therein had performed his duties against that post for over two decades. The petitioner therein had been appointed after his name had been recommended by the Employment Exchange and hence, the procedure which was required for appointment of Class-IV employees at that time, was followed in his case. Therefore, the petitioner therein was held to be entitled to regularization of his services.

7. The respondent has also been working continuously since 13.11.1997 and learned counsel for the appellants has been unable to distinguish the case of the respondent from that of the petitioner in CWP-2269-2016. The judgment dated 23.08.2023 passed in CWP-2269-2016 and the order dated 07.02.2025 passed in R.A. 523 of 2024 was challenged by the State by preferring LPA-2174-2025. Vide order of even date, the LPA has been dismissed.

8. Moreover, the appellants are also stated to have furnished an undertaking before the Contempt Court in COCP-1510-2025 that the respondent



has been found entitled to the benefit of regularization and that they shall be complying with the impugned judgment of the Single Bench.

9. Besides, in the case of *Satbir Singh Versus State of Haryana, 2002(2) SCT 354* directions were issued by this Court to the States of Haryana, Punjab and U.T. Chandigarh that if a relief has been granted to an employee by an order of the Court, the same ought to be extended to other similarly situated employees even though they are not party to litigation so that they are not compelled to approach this Court. This judgment does not appear to have been followed by the State of Punjab.

10. In the aforementioned facts and circumstances, we do not find any illegality in the impugned judgment. Consequently, we do not find any merit in this Letters Patent Appeal which stands dismissed.

11. All pending miscellaneous application(s), if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

20.08.2025
Sapna

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No