



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

LPA-2067-2017 (O&M)

Date of Decision: 29th April, 2025

THE STATE OF HARYANA AND OTHERSAppellant(s)

V/s.

DEVI CHANDRespondent(s)

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Saurabh Mohunta, Senior DAG, Haryana
for the applicants-appellants.

Mr. Aman Nain, Advocate for
Mr. Ravinder Malik, Advocate for the respondent.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The present LPA assails order dated 22.03.2017 whereby learned Single Bench while disposing of CWP-18708-1997, has directed as under:-

“3. In view of these facts and circumstances, regularization of the petitioner against the post of Mali-cum-Chowkidar may not be fair. When the fact that the respondents have extracted work in the cadre of Water Pump Operator Grade-II and petitioner fulfills the requisite qualification for the post of Water Pump Operator Grade-II, hence he is entitled for regularization in the cadre of Water Pump Operator Grade-II in the pay scale of Rs.1200-2040. The petitioner's service particulars may be taken into consideration including the fact that the petitioner fulfills the requisite qualification prescribed for the post of Water Pump Operator Grade-II. The competent authority is directed to take a decision to regularize the petitioner's services in the cadre of Water Pump Operator Grade-II and extend all the benefits including service benefits so also difference of pay be calculated and disbursed to the petitioner. Such action shall be completed within a period of four months from today.

Accordingly, instant writ petition stands disposed of.”



2. It is an admitted position that the respondent/writ petitioner was working on the post of Water Pump Operator Grade-II but has been regularized on the post of Mali-cum-Chowkidar which could not have been done as he had been working on the post since 01.06.1991.

3. The contention of the learned counsel for the State/Appellant that he must possess ITI certificate in the field of Motor Mechanic or Diesel Mechanic or Electrician is found without basis as admittedly the respondent is Matriculate with ITI Certificate (Machinist) and has also done Diploma in Motor Winding and House Wiring from Haryana Polytechnic, Nilokheri (Karnal). On the basis of the aforesaid qualifications, he was appointed as Water Pump Operator Grade-II. His post could not have been changed to that of Mali-cum-Chowkidar and the action of the appellants is clearly arbitrary. Learned Single Bench has accordingly set aside the said action.

4. We do not find any reason to interfere with the impugned order passed by the learned Single Bench. The LPA is accordingly **dismissed**.

5. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[MEENAKSHI I. MEHTA]
JUDGE

April 29, 2025

Ess Kay

| | | | | |
|------------------------------------|---|------------|---|-----------|
| <i>Whether speaking / reasoned</i> | : | <i>Yes</i> | / | <i>No</i> |
| <i>Whether Reportable</i> | : | <i>Yes</i> | / | <i>No</i> |