



**CWP-23089-2015 (O&M) -1-
& connected cases**

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

203 (06 cases)

**CWP-23089-2015 (O&M)
Date of Decision :18.08.2025**

Surjan Singh and others

...Petitioners

Versus

Union of India and others

..Respondents

CWP-13397-2016

Ram Singh

...Petitioner

Versus

Union of India and others

..Respondents

CWP-13415-2016

Ravi and another

...Petitioners

Versus

Union of India and others

..Respondents

CWP-13480-2016

Sunita Rani

...Petitioner

Versus



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petitioner(s) is that they are entitled for the grant of benefit of regularization of their services by treating them as the employees of the Central Board of Excise and Customs.

2. Learned counsel for the petitioner(s) submits that the petitioner(s) had raised a plea that the petitioner(s) are similarly situated as the petitioner(s) in the case of ***Kiran Pal & others vs. UOI etc./ decided on 14.08.2002 (2003) (2) SLJ, 241 (CAT)*** and they should also be granted the said benefit of regularization but, keeping in view the judgment of the Full Bench of this Court in ***CWP-783-2013 titled as, Union of India and another vs. Narain Singh and others decided on 22.02.2013***, the said plea has been declined by the Central Administrative Tribunal, Chandigarh (for short, 'Tribunal') while passing impugned order dated 29.10.2013 (Annexure P/6), which is causing prejudice to the petitioner(s).

3. Learned counsel for the petitioner(s) argues that appropriate direction be issued to the respondents to consider the claim of the petitioner(s) for regularization of their services.

4. Upon notice of motion, the respondents have appeared and stated that the petitioner(s) were working with the respondents through an outsourcing agency under the outsourcing policy on contractual basis and were not the employees of the department and therefore, the claim of the petitioner(s) that they are entitled for the grant of benefit of regularization of their services is incorrect. Learned counsel for the respondents further submits that as per the judgment in ***Narain Singh (supra)***, the benefit granted to the similarly situated employees earlier in ***Kiran Pal (supra)*** has been held to be bad and therefore, no relief can be granted to the



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petitioner(s).

5. Learned counsel for the respondents further submits that judgment in *Narain Singh (supra)* has been upheld by the Hon'ble Supreme Court of India with the only modification that in case the petitioner applies for the post when the same is being filled on regular basis, his/her claim be considered and be not declined on the ground of being over age and hence, the claim of the petitioner(s) for the grant of benefit of regularization of service may kindly be declined.

6. We have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It may be noticed that the claim of the petitioner(s) that they are similarly situated as petitioners in *Kiran Pal (supra)* is not denied but, it is a conceded fact that the judgment in *Kiran Pal (supra)* has specifically been overruled by the Full Bench of this Court in *Narain Singh (supra)*. Once, the judgment in *Kiran Pal (supra)* has been overruled by the Full Bench of this Court, no benefit of the said judgment can be granted to the petitioner(s) for considering their claim for regularization of their services.

8. Furthermore, as per the respondents, the petitioner(s) were working through outsourcing agency which fact has also gone unrebutted at the hands of the petitioners. As per the settled principle of law settled by the Divisions Bench of this Court in *LPA No.469-2013 titled as Nishan Singh and others vs. State of Punjab and others, decided on 30.09.2013*, the benefit of regularization in service cannot be granted to the employees who are working with the principal employer through an outsourcing agency. Relevant paragraphs of the said judgment are as under:-



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15. Reverting to the facts of the present case, the question for determination is whether the policy decisions of the Government dated 18.03.2011 and 17.01.2012 cover the case of the appellants for regularization? The learned Single Judge after elaborate discussion of the law on the point has rightly reached the conclusion that 'the above policy do not apply to the appellants claim and, therefore, right of regularization pressed by the petitioners (the appellants) cannot be accepted'. Learned counsel for the appellants could not advance any meaningful arguments to impress us to reach a different conclusion. The submissions that the appellants are employees engaged by the respondent Departments and the service provider has been used as a camouflage to deny the appellants their status as Government employees or consequent at regularization under the Government Policy and other statutory benefit has no substance or legal basis. Learned Single Judge has expansively dealt with the facts and law on this point and we find no cogent or convincing reason to take a contrary view.

16. The State has taken a policy decision for regularization of services of the contractual employees who were appointed after fulfilling eligibility criteria as per 'proper procedure'. In the case of appellants neither they were selected under the Service Rules applicable to the regular employees of the Punjab State nor there was any advertisement issued by the State under which they applied for their engagement as regular or contractual employee of the State. It was the service provider who entered into an agreement with the State agency to provide work force on certain terms and conditions. The service provider selected the candidates and supplied the same to the Government Department. A service provider is not an agency of the State to make the recruitment against the civil posts. The selection made by the service provider, if taken as appointment made by the State, will have serious repercussions and violates the rights of thousands of more meritorious candidates who might not have applied for engagement by a Service Provider but would definitely be keen to seek 'public employment' under the State. The acceptance of claim of the appellants shall thus amount to back door entry to public employment in total disregard to the mandate of Articles 14 and 16 of the Constitution."

10. The said judgment of the Division Bench of this Court has already been upheld by the Hon'ble Supreme Court of India, which fact has gone unrebutted at the hands of the petitioners hence, the petitioner(s), who were working with the respondents at one given point of time through an outsourcing agency cannot be granted the benefit of regularization of their



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services.

11. Further, the only relief granted by the Hon'ble Supreme Court of India to the similarly situated employees was that they should be considered for regular appointment as and when the posts are advertised.

12. Qua the said relief, it may be noticed that in case, any of the petitioner(s) is still working through an outsourcing agency and the posts against which they are working are advertised, the claim of the petitioner(s) for regular appointment be considered in the light of the judgement of the Hon'ble Supreme Court of India in *Narain Singh (supra)*.

12. Keeping in view the above, no ground for interference by this Court is made out and the all the writ petitions are accordingly dismissed.

13. Civil miscellaneous application pending, if any, is also disposed of.

14. A photocopy of this order be placed on the file of connected cases.

**(HARSIMRAN SINGH SETHI)
JUDGE**

August 18, 2025
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**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No