

2025:PHHC:127544-DB

LPA-2962-2024 (O&M)
Date of Decision: 16.09.2025

Shiv Murti Yadav and others

...Appellants

Vs.

State of Punjab and another

...Respondents

2025:PHHC:127544-DB

LPA-1504-2024 (O&M)
Date of Decision: 16.09.2025

Kamaljit and others

...Appellants

Vs.

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Yagsimant Attri, Advocate for the appellant(s)

Mr. Maninder Singh, Addl. AG, Punjab.

ASHWANI KUMAR MISHRA, J. (Oral)

1. The learned Single Judge has refused to come to the aid of the appellants/writ-petitioners, who have been working as Part-Time Mali (Gardener) for the last nearly two decades in directing their regularization.
2. The engagement of the appellants was under a Matching Grant Scheme of the Municipal Corporation, Jalandhar, at a consolidated salary of Rs.2,000/-, for which, half of the amount was to be paid by the Municipal

Corporation while the other half was to be paid by the Resident Welfare Association. Though at one stage, services of the appellants were sought to be regularized but soon thereafter such decision was withdrawn as the decision of regularization was de-hors the policy for regularization.

3. It has been the case of the respondents that for part-time workers, there is no scheme for regularization. The learned Single Judge has primarily relied upon the judgment of the Hon'ble Supreme Court in the case of **Union of India vs. Ilmo Devi and others 2021 (12) Scale 66**, wherein the directions issued by this Court to regularize the part-time employees was interfered with by the Hon'ble Supreme Court while observing as under:-

8.4

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The High Court cannot, in exercise of the power under Article 226, issue a Mandamus to direct the Department to sanction and create the posts. The High Court, in exercise of the powers under Article 226 of the Constitution, also cannot direct the Government and/or the Department to formulate a particular regularization policy. Framing of any scheme is no function of the Court and is the sole prerogative of the Government. Even the creation and/or sanction of the posts is also the sole prerogative of the Government and the High Court, in exercise of the power under Article 226 of the Constitution, cannot issue Mandamus and/or direct to create and sanction the posts.

8.5 Even the regularization policy to regularize the services of the employees working on temporary status and/or casual labourers is a policy decision and in judicial review the Court cannot issue Mandamus and/or issue mandatory directions to do so. In the case of R.S. Bhonde and Ors. (supra), it is observed and held by this Court that the status of permanency cannot be granted when there is no post. It is further observed that mere continuance every year of seasonal work during the period when

work was available does not constitute a permanent status unless there exists a post and regularization is done.

4. The Constitutional Bench in **Secretary, State of Karnataka vs. Uma Devi and others 2006 (3) SLR 1**, has clearly observed that direction to consider claim for regularization can be issued only in accordance with law Rules framed for the purpose.
5. It is undisputed case of the appellants that they are only working as part-time workers. No policy or scheme is shown to exist under which a part-time employee could be regularized.
6. In its absence, the refusal by the learned Single Judge to come to the aid of the appellants, cannot be interfered with. The appeal fails and is accordingly dismissed.
7. All pending misc. application(s), if any, also stand disposed of.

**(ASHWANI KUMAR MISHRA)
JUDGE**

**(ROHIT KAPOOR)
JUDGE**

16.09.2025
rajesh

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |