



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

**LPA No.2370 of 2024 (O&M)
Date of Decision: 15.01.2025**

The Managing Director/Secretary, Haryana Vidyut
Parasaran Nigam Limited and others

.....Appellants.

Versus

Vir Bahadur @ Bir Bahadur @ Veer Bahadur and others

.....Respondents.

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

Present:- Mr. Deepak Balyan, Advocate
for the appellants.

SANJEEV PRAKASH SHARMA, J.(Oral)

CM No.5754-LPA of 2024

For the reasons mentioned in the present application, the same is allowed and the delay of 173 days in filing the appeal is condoned.

LPA No.2370 of 2024

1. Learned counsel for the appellants assails the judgment dated 23.11.2023 passed by the learned Single Judge whereby learned Single Judge having noticed the appointment of the petitioner since 17.03.1996 and continuous employment thereafter, passing the following order:-

“Accordingly, this writ petition is allowed and the impugned order dated 17.04.2014 (Annexure P1) passed by respondent No.5 as well as the impugned



order dated 29.02.2016 (Annexure P2) are quashed and the respondents are directed to comply with the order dated 2.5.2005 (Annexure P4) passed by this Court in CWP-17563-2002 (Hari Ram & Ors. Vs. HVPNL & Ors.) and order dated 10.08.2004 passed in CWP-12210-2003 (Shiv Narain & Ors. Vs. HVPNL) and regularize the service of the petitioner w.e.f. 17.03.1996 and grant all necessary consequential service/pension/retiral benefits, accordingly, within a period of two months from the date of receipt of certificate copy of this order and in default thereof, the petitioner shall be granted interest @ 18% p.a. besides exemplary cost from the erring officer/officials.”

2. Learned counsel for the appellants submits that in view of the judgment passed by the Hon’ble Supreme Court in ***Secretary, State of Karnataka Versus Uma Devi and others, 2006(4) SCC 1***, the writ petitioner could not have been directed to be considered for regularization.

3. We find that the judgment passed in ***Uma Devi and others’ case (supra)*** has been explained and considered by the Apex Court in ***Jaggo Versus Union of India and others, 2024 INSC 1034***, wherein the Hon’ble Supreme Court has observed in paras No.26 and 27 as under:-

“26. While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment



aimed to distinguish between “illegal” and “irregular” appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job



security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.”

4. In view of the above, the impugned judgment passed by the learned Single Judge does not warrant any interference and the present appeal is, accordingly, dismissed.

5. All pending applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

January 15, 2025

Yag Dutt

Whether speaking/reasoned: Yes
Whether Reportable: Yes