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

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Date of decision: 25.08.2025

1. CWP-10146-2023 (O&M)

Manjeet Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

Connected Case No.	Petitioner(s)	Respondent(s)
2. CWP-14193-2022 (O&M)	Deepak Kumar and Others	State of Punjab and Others
3. CWP-14555-2022 (O&M)	Jagroop Singh and Others	State of Punjab and Others
4. CWP-19994-2022 (O&M)	Palwinder Singh and Others	State of Punjab and Others
5. CWP-1578-2023 (O&M)	Ravinder Singh and Others	State of Punjab and Others
6. CWP-28664-2022 (O&M)	Malkeet Singh and Others	State of Punjab and Others
7. CWP-4784-2023 (O&M)	Kirandeep Singh	State of Punjab and Others
8. CWP-4878-2023 (O&M)	Deepak Padam and Others	State of Punjab and Others
9. CWP-3980-2024 (O&M)	Gurpreet Singh	State of Punjab and Others
10. CWP-25694-2014(O&M)	Mangal Singh and Others	State of Punjab and Others
11. CWP-28493-2018(O&M)	Swaran Singh and Others	State of Punjab and Others

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shivam Kapila, Advocate
and Mr. Shreesh Kakkar, Advocate
for Mr. Kapil Kakkar, Advocate

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for the petitioner(s) in CWP Nos.4784 & 4878 of 2023.

Mr. Abhishek Singla, Advocate
for the petitioner(s) in CWP-28664-2022.

Mr. Ankush Thakral, Advocate
for the petitioner(s) in CWP-14555-2022.

Mr. R.K. Arora, Advocate
with Mr. Jugam Arora, Advocate
and Mr. Prabhat Kashyap, Advocate
for the petitioner(s) in CWP-25694-2014.

Mr. Fateh Singh Dhillon, Advocate
for the petitioner(s) in CWP-28493-2018
and in CWP-3980-2024.

Mr. P.S. Jammu, Advocate
and Mr. R.P.S. Jammu, Advocate
for the petitioner(s) in CWP Nos.14193 and 19994 of 2022
and in CWP Nos.10146 and 1578 of 2023.

Mr. T.P.S. Walia, AAG, Punjab
with Mr. Vikas Arora, DAG, Punjab.

Mr. Sanjeev Soni, Advocate
and Mr. Sarthak Soni, Advocate
for respondent No.3 in CWP-1578-2023.

Mr. Kamaldeep S. Sidhu, Advocate
for respondent No.4 in CWP-10146-2023
and in CWP-28664-2022
and for respondent No.3 in CWP-4878-2023.

Mr. Ashish Grover, Advocate
for respondents No.4 and 5 in CWP-25694-2014.

Mr. Sarthak Soni, Advocate
for Ms. Nikita Garg, Advocate
for respondent No.3 in CWP-14555-2022.

Mr. Rupinder Singh Khosla, Sr. Advocate
with Mr. Yogender Verma, Advocate
for respondent No.5 in CWP-28493-2018.

Mr. D.S. Randhawa, Advocate
for respondent No.3 in CWP-4784-2023.

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Ms. Anu Chatrath, Sr. Advocate
with Ms. Dhamanpreet Kaur, Advocate
for respondent No.3 in CWP-28493-2018.

HARPREET SINGH BRAR J. (Oral)

1. The above referred writ petitions are being decided by this common order as the similar question of law is involved therein. For the sake of brevity, the facts are being extracted from **CWP-10146-2023**.

2. The instant civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the order dated 05.05.2022 (Annexure P-2) passed by respondent No.2, vide which claim of the petitioners for regularization of their services as 'Fireman' was rejected and further to issue a writ in the nature of *mandamus* directing the respondents to regularize the services of the petitioners in view of the resolution bearing no. 87/2 dated 04.01.2017 (Annexure P-5) passed by respondent No.4 w.e.f passing of such resolution or w.e.f the date of their initial appointment. The petitioners also pray for a writ in the nature of *mandamus* directing the respondents to pay arrears/monetary benefits accruing from regularization of services of petitioners alongwith interest.

3. Learned counsel for the petitioner(s) submits that petitioners No.2 and 3 are not in service (in CWP-14555-2022) and he wishes to withdraw the writ petition qua them. Ordered accordingly.

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4. Similarly, learned counsel for the petitioner(s) submits that petitioner No.4 has retired from service (in CWP-25694-2014) and he wishes to withdraw the writ petition qua him also. Ordered accordingly.

CONTENTIONS

5. Learned counsel for the petitioners, *inter alia*, contends that the petitioners are working as 'Fireman' in the fire department of the Respondent no. 4-Council since the year 2013. The petitioners were initially appointed on contract basis for a period of 6 months, however, the same was extended from time to time. The petitioners are working as such till today on contractual basis. The petitioners submitted various representations for regularisation of their services but due to inaction on part of the respondent authorities, they moved this Court vide ***CWP no.688 of 2022 titled as Nardeep Singh v. State of Punjab***. This Court vide order dated 01.02.2022 (Annexure P-1) disposed of the writ petition, directing the Respondent to decide the claim of the petitioners within 4 months.

6. Thereafter, in compliance with the decision of this Court, the Respondent no. 2 passed order dated 05.05.2022 (Annexure P-2) vide which the claim of the petitioners for regularization has been rejected. Learned counsel for the petitioners further contends that the impugned order is erroneous on the ground that petitioners are similarly situated with their counterparts working as Fireman/Drivers in the Municipal Corporation, Bathinda whose claim is already accepted by the Respondent authorities in **CWP No. 11106 of 2021** titled as ***Dev***

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Singh and others v. State of Punjab and Others (Annexure P-8). It is submitted that the respondent No.2 vide the impugned order has wrongly denied the petitioners' claim on the ground that the facts of the petitioners are different from the ***Dev Singh's case (supra)***.

7. It was further contended by the Learned counsel for the petitioners that the reasoning in the impugned order with regard to the pendency of **CWP No.4187 of 2017** titled as ***Anika Gupta v. State of Punjab and others*** in relation to the Punjab Ad Hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees Welfare Act, 2016 (hereinafter '2016 Act') is erroneous on the ground that the said reasoning was also applicable at the time of consideration of ***Dev Singh's case (supra)***, however, the respondents themselves in that case consented to extend the benefit of regularisation. Moreover, on 18.03.2011 (Annexure P-11), the Government of Punjab issued a policy for regularising the services of employees working on contractual basis for more than 3 years. Instructions dated 17.11.2011 (Annexure P-12) were also issued by the Respondent State to extend the benefit of regularization to employees working with Boards/Corporations and Commissions. Thus, even if the 2016 Act is repealed, the petitioners would still be covered under the policy dated 18.03.2011.

8. Learned counsel for the State submits that the reliance of the petitioners on the 2016 Act is totally misconceived. Moreover, the judgement of ***Secretary, State of Karnataka and others Vs. Umadevi and others, 2006 (4) SCC 1*** is not applicable in the instant writ petitions

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and in view of non availability of sanctioned posts, no relief can be granted to the petitioners. Reliance placed by the petitioners on various judgements cannot be applied in the case of the petitioners as the speaking order with respect to all individual petitioners has been passed and they have not challenged the speaking order. Further, on 11.09.2024, this Court disposed of **CWP No. 4187 of 2017** titled ***Anika Gupta v. State of Punjab and Others*** in light of the statement made on behalf of the State of Punjab that it had decided to repeal the 2016 Act and replace it with a new Bill. Learned counsel for Respondent No. 3 submitted that he adopts the reply of respondent No.1 and 2 (in CWP 4784-2023).

OBSERVATION & ANALYSIS

9. Having heard the learned counsels for both the parties and perused the record with their able assistance, admittedly, the petitioners have been working in the Respondent No. 4-Council since the year 2013. This Court has been constrained to observe a trend where long term employees are engaged on ad hoc basis, in spite of the perennial nature of the services rendered by them. The State, being a constitutional employer, cannot be allowed to exploit its temporary employees under the garb of lack of sanctioned posts or inability of the employees to meet educational qualifications for regular posts, when they have been consistently serving its instrumentality for a significant time period. Such an approach would be violative of fundamental rights of the temporary employees enshrined in Article 14, 16 and 21 of the

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Constitution of India. Further still, temporary employees cannot be forced to bear the brunt of lack of financial resources when the State had no qualms about continuously taking advantage of the services rendered with regard to integral and recurring work of the concerned department. Reliance in this regard can be placed on the judgements rendered by the Hon'ble Supreme Court in ***Jaggo v. Union of India and others 2025 AIR SC 296, Vinod Kumar and others v. Union of India (2024) 1 SCR 1230 and Shripal & Anr. v. Nagar Nigam, Ghaziabad 2025 SCC OnLine SC 221.***

10. Recently, a Two-Judge Bench of the Hon'ble Supreme Court in ***Dharam Singh and Others v. State of U.P. and Another 2025 SCC OnLine SC 1735*** speaking through Justice Vikram Nath has held as follows:

“11. Furthermore, it must be clarified that the reliance placed by the High Court on Umadevi (Supra) to non-suit the appellants is misplaced. Unlike Umadevi (Supra), the challenge before us is not an invitation to bypass the constitutional scheme of public employment. It is a challenge to the State's arbitrary refusals to sanction posts despite the employer's own acknowledgement of need and decades of continuous reliance on the very workforce. On the other hand, Umadevi (Supra) draws a distinction between illegal appointments and irregular engagements and does not endorse the perpetuation of precarious employment where the work itself is permanent and the State has failed, for years, to put its house in order. Recent decisions of this Court in Jaggo v. Union of India and in

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Shripal v. Nagar Nigam, Ghaziabad have emphatically cautioned that Umadevi (Supra) cannot be deployed as a shield to justify exploitation through long-term “ad hocism”, the use of outsourcing as a proxy, or the denial of basic parity where identical duties are exacted over extended periods. The principles articulated therein apply with full force to the present case....

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13. As we have observed in both Jaggo (Supra) and Shripal (Supra), outsourcing cannot become a convenient shield to perpetuate precariousness and to sidestep fair engagement practices where the work is inherently perennial. The Commission's further contention that the appellants are not “full-time” employees but continue only by virtue of interim orders also does not advance their case. That interim protection was granted precisely because of the long history of engagement and the pendency of the challenge to the State's refusals. It neither creates rights that did not exist nor erases entitlements that may arise upon a proper adjudication of the legality of those refusals.

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17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary

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labels corrodes confidence in public administration and of ends the promise of equal protection. *Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.*

18. *Moreover, it must necessarily be noted that “ad-hocism” thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If “constraint” is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”*

(Emphasis supplied)

11. It also appears that both the States of Punjab and Haryana tend to formulate policies in order to circumvent implementation of judgements rendered by the Constitutional Courts. More often than not, the claim for regularization is neither accepted nor denied and the applicant is kept in limbo unnecessarily. The extended ad-hocism of keeping daily wage workers or contractual employees on temporary rolls for decades while extracting regular work is not only unconstitutional but undermines equality and dignity. The State and its instrumentalities being model employer cannot perpetuate such

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exploitation and use excuses like financial constraints, non availability of sanctioned post, and lack of qualification or decision in *Umadevi's case (supra)* as talisman to deny well deserved regularisation on account of the perennial nature of their long-term work at par with their counterparts working on regular posts. Reference in this regard can also be made to the judgment rendered by the Hon'ble Supreme Court in *Nihal Singh v. State of Punjab, (2013) 14 SCC 65*, a Division Bench of this Court in *State of Punjab and others v. Sarwan Ram, 2025 NCPHHC 65364* as well as a Co-ordinate bench in *Amrish Sharma and others vs. State of Punjab and others* in *CWP-19238-2013* decided on 26.02.2024 .

12. In the wake of the above discussion and findings, all the present petitions are allowed. The impugned order dated 05.05.2022 (Annexure P-2) passed by respondent No.2 is hereby quashed. The respondents are directed to regularise the petitioners within a period of six weeks from the date of receipt of certified copy of this order. If no order of regularization is passed within the stipulated period, the petitioners shall be deemed to be regularized. The petitioners shall be entitled to counting of past service and other benefits as per judgments rendered by this Court in *Harbans Lal v. State of Punjab, CWP No.2371 of 2010* and *State of Haryana and others v. Jai Bhagwan, LPA No.1892 of 2019*.

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13. All the pending miscellaneous application(s), if any, shall stand disposed of. Photocopy of this order be placed on the files of the connected cases.

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

(HARPREET SINGH BRAR)
JUDGE

25.08.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No