IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104 (17 cases) **CWP-22648-2025 (O&M)**
Date of Decision :13.08.2025

Union of India and others **...Petitioners**

Versus

Sher Singh and another **..Respondents**

CWP-22650-2025

Union of India and others **...Petitioners**

Versus

Ram Charan and others **..Respondents**

CWP-22659-2025

Union of India and others **...Petitioners**

Versus

Ram Nath and others **..Respondents**

CWP-22660-2025

Union of India and others **...Petitioners**

Versus

Shiv Kumar and another **..Respondents**

CWP-22664-2025

Union of India and others ...Petitioners

Versus

Sunil Kumar and others ..Respondents

CWP-22666-2025

Union of India and others ...Petitioners

Versus

Raj Kumar and another ..Respondents

CWP-22671-2025

Union of India and others ...Petitioners

Versus

Munni Lal and others ..Respondents

CWP-22674-2025

Union of India and others ...Petitioners

Versus

Ravi and another ..Respondents

CWP-22675-2025

Union of India and others ...Petitioners

Versus

Ram Bilas and others ..Respondents

CWP-22676-2025

Union of India and others ...Petitioners

Versus

Shankar and others ..Respondents

CWP-22679-2025

Union of India and others ...Petitioners

Versus

Raj Kumar and others ..Respondents

CWP-22682-2025

Union of India and others ...Petitioners

Versus

Man Singh and others ..Respondents

CWP-22683-2025

Union of India and others ...Petitioners

Versus

Om Parkash and others ..Respondents

CWP-22686-2025

Union of India and others ...Petitioners

Versus

Balishter and others ..Respondents

CWP-22695-2025

Union of India and others ...Petitioners

Versus

Jagdev and others ..Respondents

CWP-22824-2025

Union of India and others ...Petitioners

Versus

Arjun and others ..Respondents

CWP-22849-2025

Union of India and others ...Petitioners

Versus

Ashok Yadav and others ..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rohit Verma, Senior Panel Counsel
for the petitioners-UOI.

Mr. Rohit Seth, Advocate with Mr. Sanjay Kaul, Advocate &
Mr. K. Vinay, Advocate for private respondents in
CWPs-22671,22849,22660,22666,22676,22679,22682
22683,22686,22695 & 22650 of 2025

Mr. Anmol Verma, Advocate (joined through V.C.)
for private respondents in remaining writ petitions.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of 17 writ petitions, the challenge is to the order dated 12.03.2025 (Annexure P/14) passed by the Central Administrative Tribunal, Chandigarh (for short, 'Tribunal') by which, a direction has been given to the petitioners-UOI to comply with the order dated 18.02.2019 (Annexure P/1) passed by the Tribunal in O.A. No.60/1129/2017 in its letter and spirit keeping in view the facts and circumstances of the case while disposing of the execution application.

2. Certain facts need to be mentioned for the correct appreciation of the issue in hand so as to decide whether the impugned order dated 12.03.2025 (Annexure P/14) passed by the Tribunal is valid or is liable to be set aside.

3. The private respondents are the employees, who were working with the Military Farms being run by the petitioners-UOI. The respondents were appointed in the Military Farms starting from year 1988 onwards. In the year 1998, the respondents had approached the Tribunal seeking the benefit of regularization of their services in O.A. No.738/HR/1998 titled as *Ram Bhawan & others vs. UOI and others* and vide order dated 11.03.1999, a direction was given by the Tribunal that the claim of the respondents for the grant of benefit of regularization of their services be considered without

insisting upon as to whether the names of the private respondents herein were sponsored through Employment Exchange or not. Keeping in view the said direction, certain employees were regularized by the petitioners-UOI but, the services of the respondent-employees herein were not regularized despite the fact that they were working with the petitioners-UOI continuously since 1988.

4. After working as such for a period of approximately 30 years, the respondent-employees again approached the Tribunal for the grant of benefit of regularization of their services and after considering the fact that there were 64 posts available with the petitioners-UOI for regularization of the services of the respondent-employees, all the original applications filed by respondent-employees herein were disposed of by the Tribunal vide order dated 18.02.2019 (Annexure P/1) by giving direction that the claim of the respondents for regularization of their services be considered against those 64 posts.

5. It may be noticed that at the time when the order dated 18.02.2019 (Annexure P/1) was passed by the Tribunal, no such plea was taken by the petitioners-UOI that the posts against which the regularization is being claimed, have been abolished.

6. Thereafter, petitioners-UOI rejected the claim of the respondents for the grant of regularisation of their service on 21.06.2019 (Annexure P/4) on various grounds such as names of the respondents-employees were not sponsored through the Employment Exchange and 64 vacancies which existed, have already been withdrawn on 24.09.2018 and now no vacancy exists for the regularization of services of the respondent-

employees hence, they cannot claim the benefit of regularization of their services.

7. As the reason given by the petitioners-UOI for rejecting the claim of the respondent-employees for regularization of their services was contrary to the earlier order dated 11.03.1999 passed by the Tribunal in favour of the respondent-employees that the services of the respondents be regularized without insisting upon the fact that the names of the respondents should have been sponsored from the Employment Exchange, still the said ground was taken by the petitioners-UOI while rejecting the claim of the respondents. The other ground taken by the petitioners-UOI was that no vacancy existed to consider the claim of the respondents as the 64 vacancies already stood withdrawn.

8. As the respondent-employees were aggrieved against the said action of the petitioners-UOI on the ground that the consideration is not in accordance with the directions given vide order dated 18.02.2019 (Annexure P/1) passed by the Tribunal, the respondents filed an execution petition before the Tribunal for implementation of the order dated 18.02.2019 (Annexure P/1) of the Tribunal in the letter and spirit and ultimately, after noticing all the facts that the grounds taken by the petitioners-UOI for rejecting the claim of the respondent-employees was not valid and further on the date when the decision was taken by the petitioners-UOI to deny the claim of the respondents for regularization of service on 21.06.2019, the said 64 posts had not been abolished as the same were only abolished on 10.08.2020 i.e. much after passing of the order dated 21.06.2019 by the petitioners-UOI declining the claim of the respondents for regularization of

their services, a direction was given by the Tribunal vide impugned order dated 12.03.2025 (Annerxure P/14) to the petitioners-UOI to implement the order dated 18.02.2019 (Annexure P/1) passed by the Tribunal in letter and spirit as per the facts because the facts noticed by the petitioners-UOI while rejecting the claim of the respondents were either incorrect or contrary to the direction given by the competent Court of law at earlier given point of time qua the regularization of services of the respondents.

9. In the present bunch of petitions, the petitioners-UOI are challenging the said order dated 12.03.2025 (Annexure P/14) passed by the Tribunal by which, a direction has been given to the petitioners-UOI to comply with the direction given by the Tribunal vide order dated 18.02.2019 in a letter and spirit on the basis of the facts which existed on the said date rather than declining the claim of the respondents for regularization on the basis of the facts which came into being after the passing of the order dated 18.02.2019 (Annexure P/1) by the Tribunal.

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

11. It is sorry state of affairs that Army authorities are before this Court so as to deny the benefit of regularization of service to the employees, who have worked with them for a period of more than three decades and that too on the basis of the incorrect facts and by manipulating the facts, not only before the Tribunal but before this Court as well.

12. It may be noticed that the factum that the respondents approached the Tribunal in the year 1998 claiming the benefit of regularization of their services, which benefit was granted by the Tribunal

vide order dated 11.03.1999 by putting certain conditions upon the petitioners-UOI that once, an employee has worked for a period of more than 10 years, the said employee should be considered for regularization of his/her services without insisting upon as to whether the name of such employee was sponsored by the Employment Exchange or not. The said fact has been conceded by the learned counsel for the petitioners-UOI even during the course of hearing before this Court.

13. Once, the said fact has been conceded by the learned counsel for the petitioners-UOI keeping in view the order passed by the competent Court of law 26 years ago, rejecting the claim of the respondents for regularization of their services on the same ground, amounts to contempt of Court. Any order passed by the competent Court of law has to be adhered to so as to implement the directions as given by the Court.

14. Learned counsel for the petitioners-UOI has not been able to show that once, the competent Court of law has directed the petitioners-UOI as far as back in the year 1999 to consider the claim for regularization of the services of the respondents without insisting upon as to whether the name of employees, who are seeking regularization, was sponsored by Employment Exchange or not then why, the said ground has been taken by the petitioners-UOI while rejecting the claim of the respondents in an order passed in the month of June, 2019. This clearly shows that the petitioners-UOI were to reject the claim of the respondents for regularization irrespective of the fact as to whether the employee concerned was entitled for the benefit of regularization or not. This shows the mind set of the petitioners-UOI while dealing with the direction given by the competent

Court of law for considering the claim of the respondents for regularization of their services, who have served them for a period of more than 30 years.

15. Further, qua the reason given by the petitioners-UOI that the 64 posts against which the respondents were claiming regularization had been abolished in the year 2018 and therefore, there was no post available to regularize their services, it may be noticed that on being asked as to on which date the posts were abolished, learned counsel for the petitioners-UOI states that the said 64 posts were abolished on 24.09.2018. In case, the said fact is correct then why the said fact was not brought to the notice of the Tribunal when the direction was given vide order dated 18.02.2019 (Annexure P/1) that as the 64 posts have been abolished and the claim of the respondents herein for regularization of their services against those 64 posts cannot be considered. Further, even if, such directions were given by the Tribunal, then why the petitioners-UOI did not challenge the said order dated 18.02.2019 (Annexure P/1) passed by the Tribunal before the competent Court of law that the direction given by the Tribunal for considering the claim of respondents for regularization of their services against 64 posts is incorrect as no post exists on the date of passing of the order by the Tribunal on 18.02.2019 against which the services of the respondents could be regularized. Rather the said order was accepted by the petitioners-UOI and consideration was given which shows that the petitioners-UOI intended to hoodwink the Court as the endeavour of the petitioners-UOI was only to get the cases disposed of so as to reject the claim of the respondents at later point of time.

16. Further, the petitioners-UOI are misrepresenting the facts before

this Court as well.

17. It may be noticed that at page-133 of the paper book by which, letter dated 10.08.2020 has been brought on record before the Tribunal wherein, decision qua abolition of 1399 vacant posts in the Defence Civilian in Military Farms was taken. The said decision was taken only on 10.08.2020 i.e. after the passing of the order dated 18.02.2019 (Annexure P/1) by the Tribunal to consider the claim of the respondents for regularization of their services.

18. Learned counsel for the petitioners-UOI has not been able to dispute the said fact that the abolition of the posts was done only on 10.08.2020 i.e. much after the passing of order dated 18.02.2019 (Anenxure P/1) by the Tribunal.

19. Further, learned counsel for the petitioners-UOI has not been able to rebut that in case, the posts were actually abolished on 10.08.2020 then how come in June 2019, the petitioners-UOI declined the claim of the respondents for regularization of their services on the ground that 64 posts do not exist as the same have already been abolished. This shows that the claim of the respondents was rejected by the petitioners-UOI on the basis of incorrect facts, which factual position was presented before the Tribunal in the execution petition, which led to the passing of the impugned order dated 12.03.2025 (Annexure P/14) that the consideration to the claim of the respondents for regularization of their services should be given in letter and spirit on the basis of the facts which existed as on 18.02.2019 when the order dated 18.02.2019 (Anenxure P/1) was passed by the Tribunal.

20. At this stage, learned counsel for the respondents submits that

on one hand, it is being mentioned that 64 posts were abolished in the year 2018 whereas, the respondents were working with the petitioners-UOI up to February, 2020, which fact has been brought on record before the Tribunal but the said evidence has not been placed before this Court while filing the present petition.

21. Learned counsel for the respondents further submits that the salary slips of the respondents discharging the duties even till February 2020 has gone unrebutted at the hands of petitioners-UOI.

22. Qua the said assertion of the learned counsel for the respondents, learned counsel for the petitioners-UOI concedes that even after the Military Farm was closed, the respondents were working on daily wage basis upto the year 2020 and they were being paid by the petitioners-UOI but submits that respondents were being treated as daily wager at the relevant time in 2020.

23. On being asked as to whether prior to the passing of the order dated 18.02.2019 (Annexure P/1) by the Tribunal, the respondents were not working on daily wages, learned counsel for the petitioners-UOI conceded that the status of the respondents remained the same as it existed on the date of passing of the order dated 18.02.2019 (Annexure P/1) by the Tribunal as they were working on daily wage basis at that relevant point of time and same continued.

24. Once, the respondents were actually discharging the duties even after passing of the order dated 18.02.2019 (Annexure P/1) by the Tribunal and were also performing duties after rejection of their claim in June, 2019, then how it can be said that the respondents were not working due to closure

of the Military Farm or abolition of 64 posts.

25. Learned counsel for the petitioners-UOI has not been able to rebut the said fact also.

26. The claim of the respondents is to be seen on the basis of another aspect also. Can it be said that an employee who has given more than three decades of his life in service, is to be treated in a manner that his/her services cannot be regularized though, there was no complaint qua the work and conduct of such employee especially when there existed 64 posts to regularize the services of all the respondents-employees.

27. The question of regularization of services of the employees, who have rendered more than a decade of service came up for consideration before the Hon'ble Supreme Court of India in Civil Appeal No.14831 of 2024 titled ***"Jaggo Vs. Union of India"*** decided on 20.12.2024, wherein by placing reliance upon the judgment in ***Secretary, State of Karnataka vs. Uma Devi and others, 2006 (4) SCC 1***, the Hon'ble Supreme Court of India has again held that wherever an employee completes 10 years of service, his services should be regularised so as to avoid any prejudice to the workman. The relevant paragraph of the said judgment is as under:-

> *20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization. In a recent judgement of this Court in Vinod Kumar and Ors. Etc. v. Union of India & Ors. [2024] 1 S.C.R. 1230, it was held that held that*

procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed temporary but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgement have been reproduced below:

6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).

7. The judgement in the case Uma Devi (supra) also distinguished between "irregular" and "illegal" appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case...x x x

x x x x x x x

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 plied 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.*

28. Again, the same question of regularisation of services came up for consideration before the Hon'ble Supreme Court of India in Civil Appeal No.8158-7179 of 2024 titled ***"Shripal and anr. Vs. Nagar Nigam, Ghaziabad"*** decided on 31.01.2025, wherein the Hon'ble Supreme Court of India has held the State being a welfare State cannot exploit the employees so as to keep them on work-charged basis for years together and not to regularise their services so as to cause prejudice to them. The Hon'ble Supreme Court of India held that where an employee has completed 10 years of service, he/she should be granted the benefit of regularisation. By applying the settled principle of law cited hereinbefore in case of the respondent-employees herein, as the respondents worked for more than 10 years with the petitioners on work-charged basis but have not been given the benefit of regularization of their services. The said action of the respondents is totally arbitrary and illegal as the employees who have given their prime to the respondents, needs a security in the shape of pension/pensionary benefits so as to sustain them. The relevant paragraph of the said judgment is as under:-

> *XXX. The impugned order of the **High Court,** to the extent they confine the Appellant Workmen to future daily-wage engagement without continuity or meaningful back wages, is hereby set aside with the following directions:*
>
> *XXX. IV. The Respondent Employer is directed to initiate a fair and transparent process for regularising the Appellant Workmen within six months from the date of reinstatement, duly considering the fact that they have performed perennial municipal duties akin to permanent posts. In assessing regularisation, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never*

> *applied to the Appellant Workmen or to similarly situatde regular employees in the past. To the extent that sanctioned vacancies for such duties exist or are required, the Respondent-Employer shall expedite all necessary administrative processes to ensure these longtime employees are not indefinitely retained on daily wages contrary to statutory and equitable norms.*

29. It is clear that the respondents have been working with the petitioners-UOI from the year 1988 onwards till the year 2020 hence, they have 32 years of service to their credit. Not only this, the petitioners-UOI had 64 posts for regularising the services of the respondents on the date direction was issued to consider their claim for regionalization so that in case, one Military farm is closed, they can be adjusted in another Military farm on the same post and they are not left without job despite rendering 32 years of service.

30. Further, the Hon'ble Supreme Court of India in ***Civil Appeal No.6798-2019 titled as Prem Singh vs. State of Uttar Pradesh and others decided on 02.09.2019*** has held that inspite of working for 30-40 years, if the services of the employees have not been regularized and they have attained the age of superannuation then, keeping in view the decision in ***Uma Devi (supra)***, the services of such employees should be regularized. Hon'ble Supreme Court of India directed that such employees should be treated regular on the date of their superannuation so that they can receive pension as if they are retired from the regular establishment. Relevant paragraph of the judgment is as under:-

> "35.There are some of the employees who have not been regularized in spite of having rendered the services for 30-40 or more years whereas they have been superannuated. As they have worked in the work-charged establishment, not against any particular project, their services ought to have been regularized under the Government instructions and even as per

> the decision of this Court in Secretary, State of Karnataka & Ors. v. Uma Devi 2006 (4) SCC 1. This Court in the said decision has laid down that in case services have been rendered for more than ten years without the cover of the Court's order, as one time measure, the services be regularized of such employees. In the facts of the case, those employees who have worked for ten years or more should have been regularized. It would not be proper to regulate them for consideration of regularisation as others have been regularised, we direct that their services be treated as a regular one. However, it is made clear that they shall not be entitled to claiming any dues of difference in wages had they been continued in service regularly before attaining the age of superannuation. They shall be entitled to receive the pension as if they have retired from the regular establishment and the services rendered by them right from the day they entered the work-charged establishment shall be counted as qualifying service for purpose of pension."

31. In the present petition, claim of the respondent-employees is also similar as after rendering more than three decades of service, their services were being terminated rather than being regularized by taking a false plea hence, the petitioners-UOI were under an obligation to consider the said principle of law as held in ***Prem Singh (supra)*** qua the respondent-employees as well keeping in view the direction given by the Tribunal in order dated 18.02.2019. (Annexure P/1).

32. The petitioners-UOI has not only ignored the actual facts which are noticed hereinbefore qua the claim of regularization of the services of the respondents and availability of 64 posts for regularization of their services not only on the date when the order dated 18.02.2019 (Annexure P/1) was passed by the Tribunal but also on the date when their claim was rejected by the petitioners-UOI in June, 2019. Hence, the direction given by the

Tribunal vide order dated 12.03.2025 (Annexure P/14) to implement the order dated 18.02.2019 (Annexure P/1) in the letter and spirit keeping in view the facts with regard to availability of posts as on 18.02.2019, cannot be treated as arbitrary and illegal especially when, order passed by the petitioners-UOI is not factually correct rather, the same has been passed without looking into the actual facts and the services rendered by the respondents with them including the earlier decision dated 11.03.1999 of the competent Court of law qua the claim of the respondents for the grant of benefit of regularization of their services.

33. Keeping in view the totality of the facts and circumstances of the present case, no ground for interference by this Court is made out and all the writ petitions are accordingly dismissed.

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

35. A photocopy of this order be placed on the files of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

August 13, 2025 **(VIKAS SURI)**
aarti **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : Yes