



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

112

**CWP-23821-2025 (O&M)  
Date of decision: 29.09.2025**

Rikhi Ram and another

....Petitioners

Versus

The Panipat Cooperative Sugar Mills Limited

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Nikhil Vats, Advocate  
for the petitioners.

Mr. Jagdeep S. Rana, Advocate  
for the respondent.

**HARPREET SINGH BRAR J. (Oral)**

**PRAYER**

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to consider the petitioners for regular/permanent employment in accordance with the applicable policy of the respondent and release the entire retiral and service benefits including pension, gratuity, leave encashment and other admissible dues in favour of petitioner No.2, as she already stood retired.

**FACTS OF THE CASE**

2. The brief facts of the case, as pleaded in the writ petition are that the petitioners are dependents of deceased permanent employees of the respondent. The father of petitioner No.1, Sh. Ram



Parsad, and husband of petitioner No.2, Sh. Ved Parkash, were both employed as permanent Security Guards with the respondent and expired during the course of their employment, on 13.09.2006 and 14.05.2003 respectively. Following their deaths, the petitioners were appointed on *ex gratia* grounds as Engineering Coolies on a Seasonal Permanent basis (Petitioner No. 1 w.e.f. 04.01.2007 and Petitioner No. 2 w.e.f. 03.02.2006). The petitioners claim that despite vacancies existing in the respondent/mill they were not granted permanent status unlike other similarly situated candidates who were appointed to permanent posts. The petitioners assert that the respondents arbitrarily rejected their claims for regularization disregarded the applicable policy and acted in a discriminatory manner, causing them financial hardship and injustice. The petitioners made representations and sent legal notices to the respondent but their requests were denied and therefore, they filed civil suits which were dismissed. Hence, this writ petition.

**SUBMISSIONS MADE BY LEARNED COUNSEL FOR PETITIONERS**

3. Learned counsel for the petitioners submits that the respondent's refusal to grant permanent employment to the petitioners, despite the availability of vacant posts and their eligibility under the Haryana Compassionate Assistance to the Dependents of Co-operative Sugar Mills Employees Rules is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India. He further submits that the respondent's appointment of other similarly situated candidates to permanent posts, while denying the same to the petitioners, reflects a



*mala fide* “pick and choose” policy. He further contends that learned trial Court wrongly and erroneously dismissed the civil suits of the petitioners as it failed to consider the evidence and the applicable policy which prioritizes permanent appointments to dependents of deceased permanent employees. Lastly he submits that petitioner No.2, having retired, has been denied her rightful pensionary benefits causing severe financial distress.

**SUBMISSIONS MADE BY LEARNED COUNSEL FOR RESPONDENT**

4. *Per contra*, learned counsel for the respondents submits that the petitioners’ appointments as seasonal permanent employees were made in strict compliance with the Haryana Compassionate Assistance to the Dependents of Co-operative Sugar Mills Employees Rules and the petitioners voluntarily accepted the terms of their appointment letters without objection, thereby estopping them from challenging the same. He further contends that the appointment of other candidates to permanent posts was based on specific circumstances and does not entitle the petitioners to similar treatment as compassionate appointments are subject to the discretion of the employer and the availability of suitable posts.

**OBSERVATION & ANALYSIS**

5. 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 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 judgments 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*.

6. 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 *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....*

\*\*

\*\*

\*\*

**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.**

\*\*

\*\*

\*\*

**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 labels corrodes confidence in public administration and offends 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)*

7. It also appears that both the States of Punjab and Haryana tend to formulate policies in order to circumvent implementation of judgments 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 can't perpetuate such exploitation and use excuses like financial constraints, non availability of sanctioned post, and lack of qualification or decision in ***State of Karnataka v. Umadevi (3), (2006) 4 SCC 1*** as talisman to deny well deserved regularisation on account of their perennial nature of long periods of 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.

**ORDER**

8. In the wake of above discussion and findings, the present petition is allowed. The respondents are directed to regularize the services of petitioner No.1, who is already in service, as a permanent employee w.e.f. 04.01.2007, and petitioner No.2, who already stood retired, as a permanent employee w.e.f. 03.02.2006, within a period of six weeks from today. If no order of regularization is passed within six weeks from today, both 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*.

9. Pending application(s), if any, shall also stand disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**29.09.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No