



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

CWP-8739-2021

Date of Decision: 24.09.2025

Balbir Singh

...Petitioner

Versus

Municipal Corporation, Chandigarh and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sandeep Siwatch, Advocate
for the petitioner.

Mr. Gaurav Mohunta, Addl. Standing Counsel,
Mr. Pratyush Sood, Advocate,
Mr. Naman Jain, Advocate and
Ms. Diksha Mahajan, Advocate
for respondent-MC Chandigarh.

Mr. Maheshwar Singh Sidhu, Senior Panel Counsel
for respondent-U.T., Chandigarh
(through Video Conferencing.)

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 04.12.2019 whereby respondent has ordered to consider date of his regularization as 08.01.2019 instead of 08.10.2015.

2. The petitioner joined Municipal Corporation as Electrician in July' 1996 on daily wage basis. He was possessing qualification of ITI in the Trade of Electrician. He also acquired Three Year Diploma in Electrical Engineering through lateral entry from Punjab State Board of Technical Education and Industrial Training, Chandigarh in 2014. He

continued to work till 2015 as Electrician. Chandigarh Administration framed policy dated 08.07.2015 for regularization of Class-C Employees. The said policy was adopted by Municipal Corporation on 13.08.2015. The Competent Authority considered case of petitioner for regularization as Electrician because he was performing duties of Electrician since 1996. The respondent vide order dated 08.10.2015 ordered to regularize him. He was subjected to medical examination at Government Multi-Specialty Hospital, Sector 16, Chandigarh (GMSH). He was found unfit for technical post on the ground of colour blindness. The GMSH declared him fit for non-technical post. He requested for re-examination. He was again examined by Postgraduate Institute of Medical Education and Research, Chandigarh (PGIMER) and declared him unfit for technical post. Despite reports of GMSH and PGIMER, the petitioner continued to work as Electrician. Communication dated 04.01.2017 of Commissioner, Municipal Corporation, Chandigarh reveals that sanction was accorded to withdraw salary of petitioner as regular Electrician. The petitioner vide communication dated 11.12.2018 was offered option to be regularized as Trade Mate (Group D Post). The petitioner agreed for the post of T-mate. The respondent vide order dated 08.01.2019 regularized him as T-mate w.e.f. 08.10.2015. The office order dated 21.05.2019 conveying *ex post facto* approval in the pay scale of Rs.4900-10680+1650 (GP) was issued. Respondent No.4-Audit Department raised objection with respect to date of regularization of the petitioner. On the basis of objection raised by Audit Department, the respondent passed order dated 04.12.2019 whereby date of regularization of petitioner was changed from 08.01.2019 to 08.10.2015.

3. Learned counsel representing the petitioner submits that petitioner is working with respondent since 1996. He has always discharged duties of Electrician. He was declared medically unfit for the post of Electrician, however, he continued to work as Electrician and even today, he is discharging duties of Electrician. He was given designation of T-mate in 2019 and considering his continued service, he was regularized w.e.f. 08.10.2015. There was no reason to change his date of regularization.

4. Learned counsel for the respondents submits that petitioner was actually regularized on 08.01.2019 as T-mate. He was not regularized as Electrician on account of medical deficiency. There is no infirmity in the impugned order. He was declared medically fit for non-technical post in January' 2019.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of record, it is evident that petitioner joined service as Electrician in 1996. He was eligible for regularization in 2015 as per policy dated 08.07.2015 framed by U.T. Administration and adopted by Municipal Corporation, Chandigarh. He was considered and ordered to be regularized vide order dated 08.10.2015. He was subjected to medical examination. He was found unfit for technical post on account of colour blindness. Despite adverse medical reports, he continued to work from 2015-2019 as Electrician. He was finally regularized as T-Mate on 18.01.2019, however, w.e.f. 08.01.2015. In the orders dated 21.05.2019, it was categorically mentioned that *ex post facto* approval is granted for regularization of services of the petitioner and services were

regularized w.e.f. 08.10.2015. The petitioner was never unfit for non-technical post. The medical reports always confirmed him fit for non-technical post. Despite adverse medical reports, he continued to work till 2019 on technical post i.e. Electrician. As per petitioner, he is still working as Electrician. There is no specific denial to said fact though during the course of hearing, learned counsel for the respondent attempted to deny the said fact. Contention of the respondent that petitioner was declared medically fit for post of T-mate in 2019 is misconceived. The petitioner was medically examined in 2015 and found unfit for technical post, however, was found fit for non-technical post.

7. Considering the fact that petitioner remained in service from 2015-2019; was principally regularized in 2015 and thereafter in 2019 with retrospective effect i.e. 08.10.2015, this Court finds that there was no reason to change his date of regularization. He was rightly regularized w.e.f. 08.10.2015 as T-mate.

8. In the wake of above discussion and findings, the impugned order dated 04.12.2019 deserves to be set aside and accordingly set aside. The petitioner shall be entitled to consequential benefits.

9. ***Allowed.***

**(JAGMOHAN BANSAL)
JUDGE**

24.09.2025

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No