

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

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**CM-3145-CWP-2022 in/and
CWP-3200-2013 (O&M)
Decided on : 03.09.2025**

VARINDER PRASAD AND OTHERS

. .Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND OTHERS

. . . Respondents

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

PRESENT: Mr. Nilesh Bhardwaj, Advocate for the petitioners.

Mr. Vishal Aggarwal, Advocate for the respondents.

HARSIMRAN SINGH SETHI , J. (Oral)

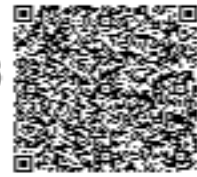
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The prayer in the application filed by the petitioners is for issuance of necessary directions to respondents to consider the claim of the petitioners that they should be regularized in service as they are working with the respondents-department since 1994.

On joint request of learned counsel for the parties, the present petition is taken up for hearing today itself.

CWP No. 3200-2013

1. In the present petition, the challenge is to the impugned order dated 01.09.2011 (Annexure P-4) passed by respondent No. 1- Central Administrative Tribunal, Chandigarh Bench (herein after referred to 'the Tribunal') by which, the benefit of revised pay-scale as was being awarded to regular employees was denied to the petitioners, which is causing prejudice to the petitioners.



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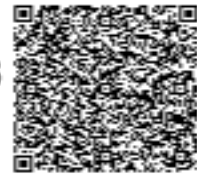
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2. Learned counsel for the petitioners submits that after issuance of notice of motion vide order dated 14.02.2013, status quo was granted in favour of the petitioners vide order dated 25.04.2013 passed by the Co-ordinate Division Bench of this Court and the petitioners in pursuance of said order have continued working with the respondent-department and as of now, they have rendered more than three decades of the service with the respondent.

3. Learned counsel for the petitioners further submits that keeping in view the fact that petitioners were appointed by the respondent-department starting from the year 1988 onwards out of which some of them have also attained the age of superannuation as of now, but still their services were never regularized by the respondent-department.

4. Learned counsel for the petitioner further argues that keeping in view the settled principle of law as settled by Hon'ble Supreme Court of India in Civil Appeal No. 14831 of 2024 titled 'Jaggo Vs. Union of India', decided on 20.12.2024 , in Civil Appeal No. 8157 of 2024 titled as Shripal and another Vs. Nagar Nigam, Ghaziabad, decided on 31.01.2025, and in Civil Appeal No. 8558 of 2018 titled as Dharam Singh and others versus State of U. P. and another decided on 19.08.2025, wherein it has been held that where an employee has discharged the duties assigned to him/her for more than 10 years, all the efforts should be made to regularize the services of such employee, even if, posts are to be created for fulfilment of the said purpose.

5. Learned counsel for the petitioners further submits that in the present case the petitioners have rendered approximately three decades of service but they are yet to be regularized in service so as to grant them the



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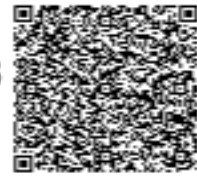
pensionary benefits in the pay-scale awarded to regular employees especially when they were working against the sanctioned posts.

6. Learned counsel for the respondents submits that in case, the petitioners files any representation seeking the benefit of regularization as is being claimed in the present petition, with the authority concerned, the same will be considered in accordance with the settled principle of law as being settled by the Hon'ble Supreme Court of India in *Jaggo's case(Supra)*, *Shripal's case (supra)* and *Dharam Singh's case (supra)*.

Learned counsel for the respondents further submits that the appropriate speaking order will be passed within a period of **08 weeks** of the receipt of certified copy of this order, which will be duly conveyed to the petitioners as well.

7. Learned counsel for the petitioner submits that keeping in view the statement of learned counsel for the respondents recorded herein above, the present petition may kindly be disposed of having been not pressed any further with liberty to file a representation with respondents as stated herein before.

8. However, before passing any such order qua the claim of the petitioners, it may be noticed that as per the judgment passed by Hon'ble Supreme Court of India in **Civil Appeal No.6798 of 2019 titled "Prem Singh Vs. State of Uttar Pradesh and ors."**, **decided on 02.09.2019** wherein, the Hon'ble Supreme Court of India has held that even where an employee who has retired/superannuated from service without his/her services being regularized after rendering the services of more than two decades, such employees are to be treated as regular employees for the purpose of grant of pensionary benefits. The relevant paragraphs of the said judgment is as



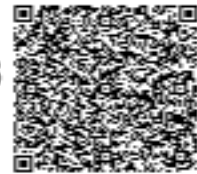
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under:-

*“35. There are some of the employees who have not been regularised 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, there services ought to have been regularised under the Government instructions and even as per the decision of this Court in Secretary, State of Karnataka & Ors. Vs. 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 10 years without the cover of the Court's order, those employees who have worked for ten years or more should have been regularised. It would not be proper to regulate them for consideration of **regularisation** as others have been regularised. 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 services 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 the purpose of pension.”*

9. The said judgment passed in **Prem Singh's case (supra)** be also taken into consideration by the authorities concerned while considering the claim of the petitioners for regularization of their services.



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10. It may be noticed that in case any adverse order is being passed by the authorities concerned, the petitioners will be at liberty to avail appropriate remedy in accordance with law.

11. Till any order is passed by the authorities concerned, the status quo granted in favour of the petitioners shall remain in operation.

12. The present petition is disposed of in above terms.

13. Pending civil miscellaneous application, if any, stands disposed of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

03.09.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No