



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

CWP-3889-2001

Date of Decision:05.04.2025

THE PATIALA CENTRAL COOPERATIVE BANK LTD

...Petitioner

Vs.

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL

...Respondent

2. CWP-889-2002

SHINGARA SINGH AND OTHERS

...Petitioners

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.V.Sharma, Senior Advocate with
Mr. Manbir Singh, Advocate for the petitioner(s).
Ms. Akshita Chauhan, DAG, Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

Present set of two writ petitions, the details of which are mentioned in the heading, involve common question of law in the context of common set of facts and thus they are being decided by a common order.

2. Challenge in the present petitions is to the award dated 09.02.2000 passed by the Industrial Tribunal Punjab, Chandigarh, though, the same was allowed to be implemented subject to the outcome of the present petition as vide order dated 16.03.2001 of this Court, the award of the Tribunal dated 09.02.2000 was stayed.

3. Learned senior counsel appearing on behalf of the respondents submits that as per the information received, some of the private



respondents have already been regularized in services in implementation of the award dated 09.02.2000 but with regard to the others, he does not have any specific information.

4. I have heard counsel for the parties and have gone through the records with their able assistance.

5. The only direction given by the Labour Court that the respondent-Workman who have completed 10 years of service, should be considered for regularization against the available post or even by creating additional posts. The said direction given is in consonance with the judgment of the Hon'ble the Supreme Court of India in ***Secretary, State of Karnataka and others v. Uma Devi (2006) 4 SCC 1***, wherein the employees who had worked for 10 years, have been allowed the benefit of regularization of their services.

6. Thereafter, Hon'ble Supreme Court of India in Civil Appeal No.14831 of 2024 titled "***Jaggo Vs. Union of India***" decided on 20.12.2024 has held that the employees who have been working for more than a decade, should have allowed the benefit of regularization. The relevant paragraph of the judgment is as under:-

“XXX

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 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...XXX

XXX

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 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. XXX "

7. Keeping in view the totality of the circumstances when there was no stay of the award dated 09.02.2000 and the employees continued working and the direction so given by the Labour Court was in consonance with the settled principles of law, no interference is called for, by this Court.

8. With regard to the petition filed by the workman, who had not completed 10 years of service, it may be noticed that in case the employees continued working with the respondent and completed 10 years of service at any given point of time after the award dated 09.02.2000 was passed, they should also be considered for regularization as per the judgment in ***Jaggo's case (supra)***.

9. Keeping in view the same, the petitions stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

05.04.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No