



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

**CM-4717-LPA-2025 in/and
LPA-1912-2025 (O&M)
Date of Decision:- 23.09.2025**

Punjab And Haryana High Court through its Registrar and another

... Appellants

Versus

Rakesh Kumar and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present:- Mr. Kanwal Goyal and Ms. Varsha Choudhary, Advocates,
for the appellants.

GURVINDER SINGH GILL, J. (Oral)

CM-4717-LPA-2025

There is a delay of 85 days in filing the accompanying appeal.

In view of the reasons mentioned in the application, the same is allowed and delay of 85 days in filing the appeal is condoned.

Main case

1. The appellants assail judgment dated 23.01.2025 passed in CWP-9812-2016 by the learned Single Judge of this Court. The operative portion of the said judgment is reproduced below:-



*“24. Keeping in view the facts and circumstances of the present case as well as settled principle of law, the competent authorities for the purpose of regularization in respect of the petitioners are directed to take appropriate decision qua the claim of the petitioners for regularization of their services in terms of the judgment in **Jaggo’s case (supra)**. The said decision should be taken within a period of six months from the receipt of copy of this order by duly keeping in loop the Punjab and Haryana High Court being the supervisory authority of the Session Division where the petitioners are working as well as the respective competent authority in the State of Punjab and Haryana as the case may be. The decision so taken by the authorities qua the claim of the petitioners for regularization, be given effect to qua all keeping in view the date of their initial appointment and not their present status of working i.e. irrespective of the fact that they are working under the direct control of Session Division or through contractor. In case, there is an employee who might be working under the contractor after the termination of his/her services but another similarly situated employee is working directly under the Session Division keeping in view the interim order granted, they will be kept on the same footing while deciding the issue of regularization and ultimately, while considering their claim for regularization of their services.*

25. Qua the stand which has been taken by the Session Division that there are certain cadres for which outsourcing policy has been adopted and the interim order should be vacated and all those petitioners should also be employed through the outsourcing agency for the smooth functioning of the Session Division, it may be noticed that the prime contention of the petitioners is qua the regularization of their services under the judgment of the Hon’ble Supreme Court of



*India in **Jaggo's case (supra)**. The directions have already been given to the competent authorities to look into the said aspect and decide the issue in a time bound manner. Once, a direction is being given on the said aspect for consideration their claim for regularization of their services coupled with the fact that keeping in view the interim order already granted, some of the petitioners are working under the direct control of the Session Divisions, shifting them as of now to a contractor will create further anomaly therefore, in the interest of equity, the status quo qua the services of the petitioners be maintained till a final decision is taken qua the regularization of the services of the petitioners keeping in view the judgment of the Hon'ble Supreme Court of India in **Jaggo's case (supra)** by the competent authorities.*

*26. It may be noticed here that certain directions have been given by the Hon'ble Supreme Court of India qua regularization of employees while passing order in **Jaggo's case (supra)**, with respect to what benefit such employees are required to be given keeping in view the qualifications prescribed for the post and number of years of the service rendered by them while deciding the eligibility of the employee concerned for regularization and the same be kept in mind while deciding the issue with regard to the claim of the petitioners for the grant of regularization.*

27. At this stage, learned counsel for the petitioners submits that some of the petitioners who are now working under the Sessions Division through the contractor, their grievance qua equal pay or equal work needs to be redressed for which, liberty be given to them to approach the appropriate competent authority by filing appropriate representation and the respondents be directed to decide the same in accordance with law in a time bound manner.



28. Learned counsel for the respondents submits that in case any representation/claim is received at the hands of the petitioners raising the said grievance, the same will be decided by the competent authority within a period of four months of the receipt of any such claim/representation and in case, after the decision any relief is to be extended to the petitioners, the same will be extended, otherwise due reasons will be mentioned in the speaking order to be passed for not accepting the claim of the petitioners for their information and necessary action.

29. The present writ petitions are disposed of in above terms.”

2. We find that the only direction issued by the learned Single Judge to the appellants-respondents is to take an appropriate decision qua the claim of the petitioners in the writ petition for regularization of their services in light of the judgment passed by the Hon’ble Supreme Court in **SLP (c) No.5580 of 2024 and SLP No.11086 of 2024 titled as Jaggo Vs. Union of India and others, decided on 20.12.2024**. The said decision was to be taken within a period of six months from the date of receipt of a certified copy of the order.
3. In regard to grant of ‘equal pay for equal work’ to the writ petitioners is concerned, liberty was granted to the writ petitioners to approach the appropriate competent authority by filing an appropriate representation and direction was given to the respondents therein to decide the same in accordance with law in a time bound manner. No other observation has been made therein which could be said to be adverse to the appellants.



4. In view of the aforesaid position, we do not find any ground to interfere with the order passed by the learned Single Judge. Finding no merit in the instant appeal, the same is hereby dismissed.
5. Pending applications, if any, stand disposed off accordingly.

**(GURVINDER SINGH GILL)
JUDGE**

**(DEEPINDER SINGH NALWA)
JUDGE**

23.09.2025
mohan

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No