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

116+118

Date of Decision:22.04.2026

1.

CWP-12058-2026

Kaptan Singh

.....Petitioner

VERSUS

Uttar Haryana Bijli Vitran Nigam Limited and others

..Respondents

2.

CWP-12104-2026

Rajesh Kumar

.....Petitioner

VERSUS

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Sandeep Singal, Advocate for the petitioner in CWP-12058-2026.

Mr. L.K. Gollen with Ms. Bharti Gollen, Advocates for the petitioner in CWP-12104-2026.



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Mr. Vikrant Pamboo, for respondents No.2 and 3 in CWP-12058-2026 & for respondents No.2 to 4 in CWP-12104-2026.

Mr. Piyush Khanna, Addl. AG Haryana-State in CWP-12104-2026.

HARPREET SINGH BRAR, J. (Oral)

1. This order of mine shall dispose of both of the above-mentioned writ petitions. However, for the sake of brevity, the facts are taken from **CWP-12058-2026**.

2. The instant civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of impugned speaking order dated 12.03.2026 (Annexure P-9) whereby the claim of petitioner seeking regularization of his services against a suitable Group D post w.e.f. the date of regularization of his juniors has been rejected which is contrary to the law laid down in judgment passed by a Division Bench of this court in LPA-1397-2023, titled ***State of Haryana and others Versus Raj Rani*** (Annexure P-10). Further praying for issuance of a writ in the nature of *mandamus* directing the respondents to regularize the services of petitioner against a suitable Group D post w.e.f. date of regularization of his juniors with all consequential benefits.



CONTENTIONS

3. Learned counsel for the petitioner(s), *inter alia*, contends that the petitioner was initially engaged as a part-time Sweeper in the erstwhile Haryana State Electricity Board (HSEB) on 28.04.1987 and has been rendering continuous service for the last about 39 years. It is submitted that a number of employees similarly situated to the petitioner have been regularized and even several juniors to the petitioner, namely Beer Singh, Anand and Trepan Singh, have been granted the benefit of regularization, thereby ignoring the seniority of the petitioner (Annexure P-5).

3.1 It is further contended that one similarly situated employee, namely Satya Dev, had approached this Court by filing CWP No.13529 of 1999 seeking regularization, which was allowed vide judgment dated 08.12.2000 (Annexure P-1). Following the said judgment, the petitioner also filed CWP No.5129 of 2002, which was disposed of on 01.04.2002 with a direction to the respondents to consider and decide his representation (Annexure P-2). However, the claim of the petitioner for regularization came to be rejected vide order dated 29.03.2004 (Annexure P-4) and again vide a speaking order dated 12.03.2026 (Annexure P-9) on the grounds of non-availability of sanctioned posts and lack of requisite qualifications.

3.2 In support of his submissions, learned counsel places reliance upon the judgment rendered by a Division Bench of this Court in ***LPA No.1397 of 2023 and connected matters***, titled ***State of Haryana and others versus Raj Rani***, decided on 07.05.2024 (Annexure P-10), wherein,



while relying upon the judgments of the Hon'ble Supreme Court in *State of Karnataka versus M.L. Kesari, (2010) 9 SCC 247* and *Nihal Singh and others versus State of Punjab and others, (2013) 14 SCC 65*, it has been held that the benefit of regularization cannot be denied on the ground of absence of sanctioned posts or lack of qualifications, particularly when similarly situated employees have already been extended such benefit.

4. *Per contra*, learned counsel for the respondents reiterates the grounds as set forth in the impugned order dated 12.03.2026 (Annexure P-9) and submits that the petitioner does not fulfil the essential qualifications prescribed for the post against which he seeks regularization. It is further contended that there are no sanctioned posts available for accommodating the petitioner and, therefore, no right to regularization accrues in his favour.

OBSERVATION & ANALYSIS

5. I have heard learned counsel for the parties and perused the record with their able assistance. It transpires that the petitioner has been working with the respondent–Nigam for the past 39 years, and the only grounds for denial of regularisation put forth by the respondent–Nigam are the non-availability of sanctioned posts and the petitioner's failure to fulfil the essential qualifications prescribed for the post against which he seeks regularisation.

6. This Court is of the opinion that the issue with regard to denial of regularisation on the ground of nonavailability of sanctioned posts or having minimum qualification is squarely covered by the judgment of the Hon'ble Supreme Court in *Nihal Singh (supra)* and the judgments rendered



by the Division Bench of this Court in ***State of Punjab and others v. Sarwan Ram, 2025 NCPHHC 65364*** and ***U.T Chandigarh v. Anju and others, CWP- 26095-2021 (O&M) (decision dated 12.08.2025)***.

7. 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, (2024) INSC 1034***, ***Vinod Kumar v. Union of India, (2024) 1 SCR 1230*** and ***Shri. pal v. Nagar Nigam, Ghaziabad, 2025 SCC Online SC 221***.

8. 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 **Shri. pal 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....*

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13. As we have observed in both Jaggo (Supra) and Shri. pal (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.

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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



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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)

9. Furthermore, a Division Bench of this Court in **Sarwan Ram** (*supra*) has categorically held that once it is established that the employees had worked for a long period, it would be unjustified to deny them regularization on the ground that there is want of sanctioned posts or that the employees do not possess the minimum educational qualifications.

10. In **Nihal Singh** (*supra*), the Hon'ble Supreme Court, through a two-Judge Bench, addressed the issue of regularizing Special Police Officers (SPOs) appointed under section 17 of the Police Act, 1861. Initially, a Division Bench of this Court dismissed the petitions of 20 SPOs based on an earlier ruling of this Court. The matter was subsequently taken to the Hon'ble Supreme Court, which rejected the argument of the State of Punjab that there were no sanctioned posts available to absorb the appellants despite their long years of service. The Court clarified that the Hon'ble Supreme



Court's judgment in *Secretary, State of Karnataka and others v. Umadevi and others, 2006 (4) SCC 1* cannot be used by the State as a justification for exploiting workers. After benefiting from the appellants' services for many years, the State cannot legitimately claim the absence of sanctioned posts as a defence. In *Narendra Kumar Tiwari v. State of Jharkhand and others, (2018) 8 SCC 238*, the Hon'ble Supreme Court addressed the issue of denial of regularization and observed that the State of Jharkhand continued to make irregular appointments for nearly ten years even after the judgment in *Uma Devi (supra)*. The Court held that this amounted to exploitation of employees by withholding their rightful benefits. It was further held that employees who had completed 10 years of service were entitled to regularisation, unless there was a valid and justifiable objection. Consequently, the High Court's order, which had relied on *Uma Devi (supra)*, was set aside.

11. Moreover, in *M.L. Kesari (supra)*, the Hon'ble Supreme Court observed that the State and its agencies had misused their power by disregarding the orders passed by the Hon'ble Apex Court and denying employees their rightful benefits. The Court emphasised that the object as such was twofold: first, to regularise individuals who had completed over ten years of service in recognition of their long-term contribution; and second, to prevent government departments from continuing the practice of engaging workers on a daily wage, *ad hoc*, or casual basis. It was held that individuals who had completed more than 10 years of service as on 10.04.2006 were entitled to regularisation, with appropriate directions issued



accordingly. Those who lacked the required educational qualifications were to be regularised at a lower post.

12. It 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 regularisation 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 posts and lack of qualification or in view of the decision in *Uma Devi's case (supra)*, 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.

13. Tendentious exploitation of prolonged provisional employment is often denounced by constitutional courts and time and again has reiterated the overarching constitutional goals of equality and dignity in public employment. State as a model employer cannot pick and choose beneficiaries and is on a much higher podium and therefore it must sort out its perennial workers on a sanctioned foothold, create a budgetary allocation for lawful appointment, and implement directions of the Courts in letter and spirit. Tweaking these directions by introducing a new policy is not merely administrative laxity but rather it is a cognisant technique of denial of well



deserved rights of citizens that corrode the livelihoods and dignity of these employees. Reliance in this regard may be placed on the judgement rendered by this court in ***Hari Ram v. State of Haryana CWP-25042 of 2025.***

14. Further indubitably employees juniors to the petitioner(s) who are similarly situated, have indeed been regularised. The issue regarding denial of regularization to a senior, where similarly situated juniors have been regularized has been conclusively dealt by a two judge bench of the Hon'ble Apex Court in ***Union of India v. Central Administrative Tribunal 2019 INSC 32***, which while speaking through Dr. Justice Dhananjaya Y. Chandrachud observed as under:

*“19. In the present case, the original order passed by the Tribunal did not contain a mandamus for regularization. The order mandated that a seniority list should be maintained by the Union of India and that the possibility of regularizing the casual workmen at the Regional Training Institute should be considered against existing and future vacancies in Group 'D' posts. Acting on the basis of the decision of the Tribunal, which was affirmed by the High Court, the Union of India proceeded to formulate a seniority list and, in fact, regularized at least four individuals. The judgment of the High Court attained finality. Even before the decision in Uma Devi, as the Tribunal noted, the workmen had put in over twelve years of service. **The Tribunal, in our view, justifiably held that the action of selecting juniors for regularization, by-passing in the process, persons who had put in longer years of service was manifestly unfair and arbitrary.** This direction of the Tribunal has been affirmed by the High Court in its impugned decision. The arbitrariness in the conduct of the authorities at the Institute is writ large in the facts of this case. **Picking up individuals for regularization, while ignoring seniors shows that a favoured few have been rewarded. This is arbitrary.**”*



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15. Further, the Division bench of this Court, while dealing with a similar issue in *Punjab State Grains Procurement Corporation Ltd. v. Gaganpreet Singh LPA 3586 - 2025*, upheld the findings of this court and observed that:

“11. Therefore, we agree with the findings recorded by the learned Single Judge that once the services of the respondents stood regularized, the same could not have been withdrawn without any justifiable reason. More particularly, when similarly situated employees, whose services were also regularized, have not been subjected to such withdrawal, and nothing has been placed on record to rebut the plea of discrimination, hence the impugned action is clearly arbitrary and violative of Article 14 of the Constitution of India.”

16. Moreover, It is a settled position in service jurisprudence that once a benefit or relief is granted to a set of employees, the same must ordinarily be extended to all other employees who are similarly situated. The mere fact that some employees approached the Court and obtained relief does not justify differential treatment, as such discrimination would offend the mandate of equality under Article 14. The State, being a model employer, is under an obligation to ensure uniformity in treatment and cannot compel every similarly placed employee to seek judicial intervention for identical relief. Denial of such parity would result in arbitrary classification and unequal treatment among equals, which is impermissible in law.

17. Further, it is undisputed that the petitioner in *CWP 12058 - 2026* is identically situated to the petitioners in, CWP No. 13529 of 1999



and CWP No. 5128 of 2002, while the petitioner in **CWP-12104-2026** is identically situated to the petitioner in *CWP No. 13525 of 1999*, *CWP No. 2326 of 2011*, and *CWP No. 10071 of 2021*. As such the State ought to have extended the same benefit to the present petitioners as was granted therein, instead of compelling them to approach this Court for identical relief. Reliance in this regard may be placed upon the judgement rendered by a Two Judge Bench of the Hon'ble Supreme Court in ***Lt. Col. Suprita Chandel v. Union of India 2024 INSC 942***.

CONCLUSION

18. In the wake of above discussion and findings, this Court is of the considered opinion that both the present petitions deserve to be allowed and accordingly the same is allowed. The respondents are directed to regularize the services of the petitioner(s) from the date their junior, namely Trepan Singh was regularized, within eight weeks of receiving the certified copy of this order. If no order of regularization is passed within the stipulated time the petitioner(s) shall be deemed to be regularized from the due date. Further, the petitioner(s) shall be entitled for all consequential benefits along with an interest of 6% from the date of their regularization till the date of its actual disbursement.

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



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20. Photocopy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

22.04.2026
P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No