

CWP-25042-2025

-1-

2025:PHHC:121886



116

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25042-2025 (O&M)
Date of decision: 08.09.2025

Hari Ram and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Gopera, Advocate
for the petitioners.

Mr. Piyush Khanna, Addl. AG, Haryana.

Mr. Sanjeev Kaushik, Advocate and
Mr. Divyanshu Kaushik, Advocate
for respondents No.2 to 5.

HARPREET SINGH BRAR, J. (ORAL)

1. Present 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 the order dated 23.05.2025 (Annexure P-33) passed by respondent No.5, vide which claim of the petitioners for regularization of

CWP-25042-2025

-2-

2025:PHHC:121886



their services was rejected and further to issue a writ in the nature of *mandamus* directing the respondents to grant same relief, as granted to similarly situated employee Vir Bahadur @ Bir Bahadur @ Veer Bahadur vide office order dated 18.11.2024 (Annexure P-28) and also to release the arrears of pay along with interest @9% per annum from the due date till actual realization.

CONTENTIONS

2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners along with one Vir Bahadur @ Bir Bahadur @ Veer Bahadur had approached this Court by way of filing a writ petition i.e. CWP-17563-2002, which was allowed on 02.05.2005 (Annexure P-4) and in compliance of the directions issued by this Court, services of Vir Bahadur @ Bir Bahadur @ Veer Bahadur were regularized by Haryana Vidyut Prasaran Nigam Ltd. Thereafter, the petitioners filed another writ petition i.e. CWP-35829-2019, which was disposed of vide order dated 25.03.2025 (Annexure P-31) by issuing a direction to the respondents to consider the case of the petitioners in terms of earlier judgment dated 02.05.2005 (Annexure P-4) passed by this Court. However, claim of the petitioners for regularization was declined only on the ground of non-availability of sanctioned posts. Further, the petitioners along with abovenamed Vir Bahadur @ Bir Bahadur @ Veer Bahadur were initially appointed in their respective Corporations in the year 1995 onwards.

CWP-25042-2025

-3-

2025:PHHC:121886



It is further contended that services of abovenamed Vir Bahadur @ Bir Bahadur @ Veer Bahadur were not only regularized but he was also granted all the consequential benefits in terms of the judgment dated 02.05.2005 (Annexure P-4). The petitioners have been compelled to approach this Court for the 9th time.

3. Learned counsel for the petitioners further contends that case of the petitioners is squarely covered by the judgments rendered by the Hon'ble Supreme Court in ***Jaggo Vs. Union of India, (2024) INSC 1034, Vinod Kumar and others Vs Union of India and others, (2024) 1 SCR 1230*** and ***Shripal and another Vs. Nagar Nigam, Ghaziabad, 2025 SCC OnLine SC 221***, wherein it has been held that providing fair and stable employment is imperative for the Government Departments, as engaging workers on temporary/contract basis for extended periods exposes the organization to legal challenges and undermines employee morale.

4. Learned counsel for respondents No.2 to 5 contends that the petitioners' case is distinguishable from Vir Bahadur's case, as in the latter, there were sanctioned posts available. However, it was argued that the petitioners' claim for regularization must be rejected on the ground that no sanctioned posts exist.

OBSERVATION & ANALYSIS

5. I have heard learned counsel for the parties and perused the

CWP-25042-2025

-4-

2025:PHHC:121886



record of the case with their able assistance. This Court is of the opinion that the issue with regard to denial of regularization on the ground of non-availability of sanctioned posts or having minimum qualification is squarely covered by the judgment of the Hon'ble Supreme Court in *Nihal Singh Vs. State of Punjab, (2013) 14 SCC 65* and the judgments rendered by the Division Bench of this Court in *State of Punjab and others Vs. Sarwan Ram, 2025 NCPHHC 65364* and *U.T Chandigarh Vs. Anju and others, CWP-26095-2021 (O&M)* (decision dated 12.08.2025).

6. 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

CWP-25042-2025

-5-

2025:PHHC:121886



by the Hon'ble Supreme Court in **Jaggo's** case (*supra*), **Vinod Kumar's** case (*supra*) and **Shripal's** case (*supra*).

7. Recently, a two-Judge Bench of the Hon'ble Supreme Court in ***Dharam Singh and Others Vs. 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 Shripal 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 Shripal

CWP-25042-2025

-6-

2025:PHHC:121886



(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 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

CWP-25042-2025

-7-

2025:PHHC:121886



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)

8. Furthermore, a Division Bench of this Court in **Sarwan Ram**’s case (*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.

9. In **Nihal Singh**’s case (*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

CWP-25042-2025

-8-

2025:PHHC:121886



years of service. The Court clarified that the Hon'ble Supreme Court's judgment in *Secretary, State of Karnataka and others Vs. 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 Vs. 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's* case (*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 regularization, unless there was a valid and justifiable objection. Consequently, the High Court's order, which had relied on *Uma Devi's* case (*supra*), was set aside.

10. Moreover, in *State of Karnataka Vs. M.L. Kesari, (2010) 9 SCC 247*, 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 emphasized that the object as such was twofold: first, to regularize individuals who had completed over ten years of service in recognition of their long-term

CWP-25042-2025

-9-

2025:PHHC:121886



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 regularization, with appropriate directions issued accordingly. Those who lacked the required educational qualifications were to be regularized at a lower post.

11. **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 regularization 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 regularization on account of their perennial nature of long periods of work at par with their counterparts working on regular posts.**

12. Tendentious exploitation of prolonged provisional employment is

CWP-25042-2025

-10-

2025:PHHC:121886



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 cognizant technique of denial of well deserved rights of citizens that corrode the livelihoods and dignity of these employees.

13. What has deeply pricked the conscience of this Court is that the petitioners, after rendering spotless and unblemished service for nearly three decades, have been compelled to approach this Court for the 9th time seeking the reliefs rightfully due to them. The first petition was allowed in 2005, yet ever since, the petitioners have been forced to run from pillar to post in pursuit of the very benefits they are legally entitled to. Belonging to the bottom of the administrative pyramid, the petitioners continue to suffer due to the inaction of the State, which bears the constitutional duty to act as a model employer. **A widespread problem in public institutions is the habitual administrative negligence, indifference, and deliberate delay in implementing court-mandated relief, particularly in service matters**

CWP-25042-2025

-11-

2025:PHHC:121886



concerning employees. Such conduct undermines public confidence in the justice system and defeats the fundamental purpose of judicial adjudication. The delivery of judgments alone does not guarantee the credibility of the justice system. True justice is realized only when the administration acts promptly and effectively to enforce the decisions of the courts.

14. A three-Judge Bench of the Hon'ble Supreme Court in ***Rama Narang Vs. Ramesh Narang, 2009(16) SCC 126*** has categorically held that:

*“51. In order to maintain sanctity of the orders of the highest court of the country, it has become imperative that those who are guilty of deliberately disregarding the orders of the Court in a clandestine manner should be appropriately punished. **The Majesty of the Court and the Rule of Law can never be maintained unless this Court ensures meticulous compliance of its orders.**”*

(Emphasis supplied)

15. Furthermore, one of the longstanding issues observed by this Court is the habitual delay and outright denial of rightful service benefits to employees, caused by bureaucratic red-tape and administrative indifference. Despite clear legal provisions and judicial rulings, employees are frequently forced to endure prolonged litigation, often having to file multiple cases to obtain the relief they are entitled to. The situation is further aggravated by the routine passing of files from one officer to another without any accountability,

CWP-25042-2025

-12-

2025:PHHC:121886



resulting in unreasonable delays. Officers rarely comply with the timelines set by rules or court orders. Instead of addressing the matters on merit, many departments take an adversarial stance by filing unwarranted appeals, sometimes reaching the highest courts, solely to postpone the grant of relief. As a result, employees face mental anguish and financial uncertainty during these drawn-out legal proceedings.

16. In light of the above, this Court finds it appropriate to lay down the following parameters to ensure timely and effective implementation of the decisions of the Courts:

1. **Accountability & Responsibility** - Each order must clearly specify the officer responsible for its implementation. In cases of delay, personal accountability should be recorded in the concerned officer's service record.
2. **Statutory Time Limits** - There should be mandatory timelines established for implementing service-related judgments, unless specifically stayed by a higher court. Failure to comply within this period must automatically trigger accountability mechanisms.
3. **Monitoring Mechanism** - Every department should establish a centralized Judgment Implementation Cell tasked with tracking compliance. These cells must submit quarterly reports to the

CWP-25042-2025

-13-

2025:PHHC:121886



department head for his appraisal and necessary action if required.

4. **Digital Transparency Tools** - The implementation status of court orders should be available on an online portal, providing transparency and allowing employees to monitor the progress of their cases. Further, there should be digitalization of service records to reduce procedural bottlenecks.
5. **Pre-Litigation Grievance Redressal** - Internal grievance mechanisms must be developed to allow employees to seek redressal before approaching the courts for matters already settled in law. This would reduce unnecessary litigation and lessen the burden on judicial bodies.
6. **Training and Awareness** - Regular capacity-building initiatives should be conducted to sensitize officers about the constitutional importance of implementing court orders, the rule of law, and the serious consequences of administrative indifference.
7. **Performance Appraisals** - Compliance with judicial directives should form a part of the measurable performance evaluation criteria in the annual appraisals of administrative officers.

17. Addressing administrative indifference in the execution of court orders calls for a blend of transparent practices, strict accountability,

CWP-25042-2025

-14-

2025:PHHC:121886



technology-based monitoring, and a shift in bureaucratic culture. The system must ensure that employees obtain relief without being compelled to engage in repetitive litigation, allowing the rule of law to triumph over bureaucratic inertia. By effectively enforcing these measures, not only the justice delivery system will be fortified, but employees' trust in both governance and the judiciary will also be significantly restored.

18. Thus, in the wake of the above discussion and findings, present petition is allowed. The respondent-Corporation is directed to regularise the services of the petitioners within a period of six weeks from the date of receipt of certified copy of this order. If no order of regularization is passed within the stipulated period, the petitioners shall be deemed to be regularized and they would be entitled to seniority and regular pay from the expiry of aforesaid period. Furthermore, needless to say, the petitioners are entitled to all consequential benefits at par with those granted to Vir Bahadur @ Bir Bahadur @ Veer Bahadur.

19. Any deviation of this judgment by the respondent-Corporation would entitle the petitioners to move an appropriate application under Article 215 of the Constitution of India for initiating the contempt proceedings.

20. All the pending miscellaneous application(s), if any, shall stand disposed of.

21. Copy of this judgement be sent to Chief Secretaries of the States

CWP-25042-2025

-15-

2025:PHHC:121886



of Punjab and Haryana and their counterparts in the U.T., Chandigarh for information and for making suitable changes in their litigation policy.

08.09.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

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