



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved On: 05.05.2025
Pronounced On: 16.05.2025

1.

LPA-2032-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

SARWAN RAM AND OTHERS

.....Respondents
2.

LPA-2073-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

SOHAN SINGH

.....Respondent
3.

LPA-2088-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

SHANO DEVI

.....Respondent
4.

LPA-2111-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

TEHAL SINGH

.....Respondent
5.

LPA-2112-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

KULDEEP SINGH

.....Respondent

6.	LPA-2114-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	MOHINDER SINGH AND OTHERS	.....Respondents
7.	LPA-2115-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	RAM PARKASH AND OTHERS	.....Respondents
8.	LPA-2116-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	SURINDER SINGH	.....Respondent
9.	LPA-2133-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	TALWINDER SINGH AND OTHERS	.....Respondents
10.	LPA-2148-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	JASPAL SINGH AND OTHERS	.....Respondents
11.	LPA-2149-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	BALVIR SINGH	.....Respondent
12.	LPA-2150-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	

MAJOR SINGH AND OTHERS	.....Respondents
13. LPA-2162-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
MUKHTIAR SINGH AND ANOTHER	.....Respondents
14. LPA-2163-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
GURSEWAK SINGH	.....Respondent
15. LPA-2441-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
CHHINDA SINGH	.....Respondent
16. LPA-2442-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
AVTAR SINGH AND OTHERS	.....Respondents
17. LPA-2446-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
TEJA SINGH	.....Respondent
18. LPA-2447-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	

JAGDISH KUMAR	.....Respondent
19. LPA-2448-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
DHIR SINGH AND ANOTHER	.....Respondents
20. LPA-2449-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
RATTAN SINGH AND OTHERS	.....Respondents
21. LPA-2456-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
KALA SINGH AND OTHERS	.....Respondents
22. LPA-2462-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
HARBANS KAUR AND ANOTHER	.....Respondents
23. LPA-2465-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
SUKHDEV SINGH AND OTHERS	.....Respondents
24. LPA-2474-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
BHAGA	.....Respondent

25.	LPA-2475-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	CHINDERPAL AND ANOTHER	.....Respondents
26.	LPA-2480-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	TARLOCHAN SINGH AND OTHERS	.....Respondents
27.	LPA-2481-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	TARSEM LAL AND OTHERS	.....Respondents
28.	LPA-2482-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	AMRIK SINGH AND OTHERS	.....Respondents
29.	LPA-2522-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	DAULAT RAM AND OTHERS	.....Respondents
30.	LPA-2177-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	SARDARA SINGH AND ANOTHER	.....Respondents
31.	LPA-2179-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants

Versus	
MALKAN SINGH	.....Respondent
32. LPA-2180-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
SATPAL	.....Respondent
33. LPA-2184-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
GURDEV SINGH AND OTHERS	.....Respondents
34. LPA-2200-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
BALBIR SINGH AND OTHERS	.....Respondents
35. LPA-2203-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
MUKHTIAR KHAN AND OTHERS	.....Respondents
36. LPA-2204-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
BHAGIRATH AND OTHERS	.....Respondents
37. LPA-2205-2024	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
SHER SINGH AND OTHERS	.....Respondents

38. LPA-2207-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

HARBANS KAUR

.....Respondent

39. LPA-2235-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

AMARJEET SINGH AND ANOTHER

.....Respondents

40. LPA-2236-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

OM PARKASH

.....Respondent

41. LPA-2237-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

HARI RAM AND OTHERS

.....Respondents

42. LPA-2238-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

BHAGIRATH AND OTHERS

.....Respondents

43. LPA-2239-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

BALBIR SINGH AND OTHERS

.....Respondents

44. LPA-2240-2024

STATE OF PUNJAB AND OTHERS

	.....Appellants
Versus	
HARJEET AND OTHERS	
	.....Respondents
45. LPA-2241-2024	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
KAKA RAM AND OTHERS	
	.....Respondents
46. LPA-2246-2024	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
NAJAR SINGH AND OTHERS	
	.....Respondents
47. LPA-2247-2024	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
GAMDOOR SINGH AND OTHERS	
	.....Respondents
48. LPA-2248-2024	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
BALWINDER RAM AND OTHERS	
	.....Respondents
49. LPA-2274-2024	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
AKHTAR KHAN	
	.....Respondent
50. LPA-2283-2024	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
LACHHMAN SINGH AND OTHERS	
	.....Respondents

51.	LPA-2298-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	BUDH RAM AND OTHERS	.....Respondents
52.	LPA-2299-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	BHAGA AND OTHERS	.....Respondents
53.	LPA-2301-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	SALIM KUMAR	.....Respondent
54.	LPA-2316-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	CHARNA AND OTHERS	.....Respondents
55.	LPA-2317-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	RAVI KUMAR SHARMA	.....Respondent
56.	LPA-2319-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	MAJOR SINGH AND OTHERS	.....Respondents
57.	LPA-2336-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants

Versus

MEJAR SINGH AND OTHERS

.....Respondents

58. LPA-2337-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

SOHAN SINGH

.....Respondent

59. LPA-2361-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

PRITAM SINGH AND OTHERS

.....Respondents

60. LPA-2362-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

BALDEV SINGH AND OTHERS

.....Respondents

61. LPA-2363-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

ASHOK KUMAR AND OTHERS

.....Respondents

62. LPA-2364-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

VEERA SINGH AND OTHERS

.....Respondents

63. LPA-2366-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

KASHMIRI LAL AND ANOTHER

.....Respondents

64.	LPA-2367-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	RANA SINGH AND OTHERS	.....Respondents
65.	LPA-2400-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	NIRMAL SINGH AND OTHERS	.....Respondents
66.	LPA-2401-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	PAWAN AND OTHERS	.....Respondents
67.	LPA-2402-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	VINOD KUMAR AND ANOTHER	.....Respondents
68.	LPA-2403-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	JEET SINGH,DIED, LEGAL HEIRS AND ANOTHER	.....Respondents
69.	LPA-2405-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	RAJ KUMARI AND ANOTHER	.....Respondents
70.	LPA-2406-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants

Versus

RAVI KUMAR AND OTHERS

.....Respondents

71. LPA-2407-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

JITO AND OTHERS

.....Respondents

72. LPA-2408-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

NEETU SINGH AND OTHERS

.....Respondents

73. LPA-2409-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

TARSEM LAL AND OTHERS

.....Respondents

74. LPA-2411-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

BALWANT SINGH

.....Respondent

75. LPA-2592-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

RESHAM SINGH AND OTHERS

.....Respondents

76. LPA-2593-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

SHER SINGH AND OTHERS

.....Respondents

77.	LPA-2594-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	KULWANT SINGH	.....Respondent
78.	LPA-2595-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	AMAR CHAND AND OTHERS	.....Respondents
79.	LPA-2598-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	NISHAN SINGH	.....Respondent
80.	LPA-2600-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	GURPARTAP SINGH	.....Respondent
81.	LPA-2601-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	TILAK RAJ	.....Respondent
82.	LPA-2602-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	GURPREET SINGH AND OTHERS	.....Respondents
83.	LPA-2582-2024	
	STATE OF PUNJAB AND OTHERS	

	.....Appellants
Versus	
GURPARTAP SINGH AND OTHERS	
	.....Respondents
84. LPA-2581-2024	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
KULDEEP SHARMA (died) Legal Heirs & Ors.	
	.....Respondents
85. LPA-2573-2024	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
AMANPREET SINGH AND ANOTHER	
	.....Respondents
86. LPA-2574-2024	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
KARNAIL SINGH	
	.....Respondent
87. LPA-2578-2024	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
SHAM LAL AND OTHERS	
	.....Respondents
88. LPA-2577-2024	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
AMRIK SINGH AND ANOTHER	
	.....Respondents
89. LPA-2555-2024	
MUKHTIAR SINGH AND ANOTHER	
	.....Appellants
Versus	
STATE OF PUNJAB AND OTHERS	
	.....Respondents

90.	LPA-2560-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	HARBANS LAL AND OTHERS	.....Respondents
91.	LPA-2561-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	KULDEEP SHARMA	.....Respondent
92.	LPA-2565-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	MIT SINGH AND OTHERS	.....Respondents
93.	LPA-2545-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	TARLOK SINGH	.....Respondent
94.	LPA-2591-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	SARABJEET KAUR AND OTHERS	.....Respondents
95.	LPA-2604-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants
	Versus	
	GURMAIL SINGH	.....Respondent
96.	LPA-2576-2024	
	STATE OF PUNJAB AND OTHERS	.....Appellants

Versus

BALBIR SINGH AND OTHERS

.....Respondents

97. LPA-2684-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

BHAJAN LAL

.....Respondent

98. LPA-2617-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

SATNAM SINGH AND OTHERS

.....Respondents

99. LPA-2628-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

MAHINDER SINGH AND OTHERS

.....Respondents

100. LPA-2630-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

AMAR NATH AND OTHERS

.....Respondents

101. LPA-2631-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

BALBIR SINGH

.....Respondent

102. LPA-2627-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

AVTAR SINGH

.....Respondent

103. LPA-2773-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

RAJ KUMAR AND OTHERS

.....Respondents

104. LPA-2774-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

SANT RAM THROUGH LEGAL HEIRS AND OTHERS

.....Respondents

105. LPA-2775-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

PREM KUMAR AND OTHERS

.....Respondents

106. LPA-2776-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

AMRIK SINGH AND OTHERS

.....Respondents

107. LPA-2778-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

JOGINDER SINGH (THROUGH LRS)

.....Respondent

108. LPA-2780-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

JAGAT RAM AND OTHERS

.....Respondents

109. LPA-2750-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

ROOP CHAND

.....Respondent

110. LPA-2736-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

SITA RAM AND OTHERS

.....Respondents

111. LPA-2737-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

KARTAR SINGH AND OTHERS

.....Respondents

112. LPA-2738-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

JOGGA SINGH AND OTHERS

.....Respondents

113. LPA-2739-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

GIAN SINGH AND OTHERS

.....Respondents

114. LPA-2801-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

PREM CHAND AND OTHERS

.....Respondents

115. LPA-2802-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

AMRIK SINGH AND OTHERS

.....Respondents

116. LPA-2862-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

BUDH RAM AND OTHERS

.....Respondents

117. LPA-2866-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

NISHAN SINGH

.....Respondent

118. LPA-2887-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

MALKIAT SINGH AND OTHERS

.....Respondents

119. LPA-2947-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

SARABJIT SINGH AND OTHERS

.....Respondents

120. LPA-2986-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

BALHARI

.....Respondent

121. LPA-3021-2024

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

MALOOK SINGH AND ANOTHER

.....Respondents

122. LPA-2948-2024

STATE OF PUNJAB AND OTHERS

	.....Appellants
Versus	
BHAJAN SINGH	
	.....Respondent
123. LPA-86-2025	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
JAGAT RAM AND OTHERS	
	.....Respondents
124. LPA-100-2025	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
JOG RAJ	
	.....Respondent
125. LPA-104-2025	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
RAM PARKASH AND OTHERS	
	.....Respondents
126. LPA-169-2025	
STATE OF PUNJAB AND OTHERS	
	.....Appellants
Versus	
JASPAL SINGH AND OTHERS	
	.....Respondents
127. LPA-14-2025	
THE PUNJAB STATE SPORTS COUNCIL	
	.....Appellant
Versus	
LAL CHAND AND ORS	
	.....Respondents
128. LPA-19-2025	
THE PUNJAB STATE SPORTS COUNCIL	
	.....Appellant
Versus	

DHARAM PAL AND OTHERS	.....Respondents
129. LPA-34-2025	
THE PUNJAB STATE SPORTS COUNCIL	.....Appellant
Versus	
SADA SHIV YADAV AND ORS	.....Respondents
130. LPA-37-2025	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
KULWANT SINGH SANDHU AND OTHERS	.....Respondents
131. LPA-128-2025	
THE PUNJAB STATE SPORTS COUNCIL	.....Appellant
Versus	
JASWANT SINGH AND OTHERS	.....Respondents
132. LPA-556-2025	
THE PUNJAB STATE SPORTS COUNCIL	.....Appellant
Versus	
JASWANT SINGH AND OTHERS	.....Respondents
133. LPA-301-2025	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
MOHINDER SINGH AND OTHERS	.....Respondents
134. LPA-337-2025	
STATE OF PUNJAB AND OTHERS	.....Appellants
Versus	
BACHAN AND OTHERS	.....Respondents

135. LPA-492-2025

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

PREM CHAND AND OTHERS

.....Respondents

136. LPA-55-2025

STATE OF PUNJAB AND OTHERS

.....Appellants

Versus

VINOD KUMAR AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Shekhar Verma, Addl. A.G., Punjab,
(Through V.C.)
and Mr. Kuljit Singh, Addl. A.G., Punjab,
for the appellant(s).

Mr. Manu Loona, Advocate for the appellants
(in LPA Nos.14, 19, 34 128 & 556 of 2025).

Mr. Pawan Kumar Mutneja, Senior Advocate, with
Mr. V.S. Mahal, Advocate;
Ms. Suverna Mutneja, Advocate and
Mr. Vishesh Bhatia, Advocate for respondent(s)
(in LPA-2032, 2408, 2449, 2336, 2150, 2628, 2239,
2986, 2593, 2364, 2298, 2480, 2248, 2088 of 2024).

Mr. Baldev Singh Sodhi, Advocate for the respondent(s)
(in LPA-2401, 2780, 2363, 2409, 2032 of 2024 and
LPA 86 & 337 of 2025).

Mr. Sandeep Siwatch, Advocate
for the respondent(s) (in LPA-2577-2024).

Mr. Harbans Lal Sharma, Advocate and
Mr. Vishal Sharma, Advocate
for the respondent(s) (in LPA-2073-2024).

Mr. Dhiraj Chawla, Advocate
for the respondent(s)(in LPA 37 & 128 of 2023).

Mr. Vicky Arora, Advocate for
Ms. Alisha Arora, Advocate
for the respondent(s) (in LPA-2274 of 2024).

Ms. Anju Arora, Advocate for
Ms. Alisha Arora, Advocate
for the respondent(s) (in LPA-2801-2024 & 301-2025).
Mr. Arjun Sawhni, Advocate for
Mr. Manu K. Bhandari, Advocate
for appellant(s) (in LPA-2555-2024) and
for respondent (s) (in LPA-14, 19 & 34 of 2025).

Mr. Ashu Rana, Advocate
for respondent(s) (in LPA-2179-2024).

SUDHIR SINGH, J.

For the reasons given in the applications, the delay in re-filing and filing of all the appeals, is condoned, subject to all just exceptions.

2. This order shall dispose of the above noted batch of 136 intra Court appeals arising out of a common order dated 26.02.2024, whereby the writ petitions filed by the respondents (writ petitioners) were disposed of with the following directions:-

- i) This Court in the normal course cannot ask State to create or sanction posts.
- ii) The petitioners who had completed service of 10 years by the end of December' 2006, either at present are in service or have already retired, are entitled to regular post and they cannot be denied regularization on the ground of lack of sanctioned post or minimum education qualification. To avoid burden on State exchequer, it is clarified that from the deemed date of their regularization, they shall be entitled to minimum of pay

scale plus dearness allowance and grade pay till the date of this order and thereafter regular pay scale.

iii) The petitioners who are still in service but did not complete service of 10 years by the end of December' 2006 would form part of dying cadre created by 2023 Policy. The State, in view of long service of these employees, would not insist for minimum qualification. They from the date of completing service of 10 years would be entitled to minimum of pay scale plus dearness allowance plus grade pay till the date they are regularized in terms of 2023 Policy.

iv) The petitioners who did not complete service of 10 years by the end of December' 2006 and during the pendency of present litigation have superannuated or passed away would be entitled to minimum of pay scale plus dearness allowance and grade pay from the date of completing service of 10 years till the date of their retirement or death.

v) The petitioners who have already been regularized by 31.12.2016 shall not be entitled to any additional financial benefit

because they are already getting higher amount of salary for last couple of years.

vi) The respondent-State shall not be liable to pay interest on arrears arising on account of re-fixation of pay.

3. The aforesaid order was passed by noticing the facts in CWP-19238-2013. As LPA-2032-2024 arises out of the aforesaid CWP, the facts are taken from the said appeal.

4. The respondents (writ petitioners) filed the aforesaid writ petitions before the learned Single Judge seeking a writ in the nature of Mandamus directing the respondents to regularize their services pursuant to the policy dated 18.03.2011. It was the case of the respondents (writ petitioners) that they had completed service of 17-18 years on the date of filing of the writ petition and from time to time they had been transferred from one project to the other. It was further claimed by them that they were being paid wages at the rates fixed by the Deputy Commissioner.

5. The learned Single Judge, after taking into consideration various judgments of the Hon'ble Apex Court and the rival contentions of the parties, has disposed of the bunch of writ petitions, as noticed above.

6. It may be noticed that when the appeal came up for hearing on 12.11.2024, the learned State counsel had made a statement that case of each of the employee was being assessed individually and the matter had been placed before the Hon'ble Chief

Minister of the State for final decision. The order dated 12.11.2024 passed by the Coordinate Bench of this Court reads as under:-

“Learned counsel for appellant-State submits that as of now recommendation has been made for regularization of services of 75 respondents/writ petitioners and in so far as 506 persons are concerned, they are being considered to be adjusted under the Policy for Welfare of Adhoc, Contractual, Daily Wages, Work Charged and Temporary Employees, 2023. Claims of other writ petitioners in all writ petitions decided by a single judgment dated 26.02.2024 are being individually assessed. There are admittedly number of petitioners in most of the writ petitions.

When asked as to whether the State still wishes to pursue the appeal, it is submitted that complete picture would be clear after the entire exercise has been undertaken. Learned counsel for appellants thus prays for an adjournment. At the same time it is submitted that as contempt petitions have been filed by some of writ petitioners, therefore said proceedings may be kept in abeyance for a period of four weeks.

It is brought to our notice that Mr. Ajoy Sharma, IAS, Secretary Department of Forest and Wildlife Preservation, Punjab, had appeared before

learned Contempt Court on 18.10.2024 and stated that in terms of order dated 26.02.2024 process with regard to regularization of service of petitioners is in progress and that needful shall be done within a period of four months from that date.

Learned counsel for the State submits that this process is likely to take another four weeks. Matter has been placed before the Hon'ble Chief Minister of the State and final decision is likely to be taken. Keeping in view the above, these appeals are adjourned for 20.01.2025. It is open to the appellant-State to bring all these facts before learned Contempt Court on the date fixed.

7. Subsequently, when the matter was taken up on 18.03.2025, while noticing the contentions of the learned counsel for the appellants, the following order was passed.

“ Learned counsel for appellant-State informs that matter has still not been placed before the Cabinet due to certain objections raised by Department of Personnel. Learned counsel for State further submits that about four weeks are required to complete the entire process including decision to be taken by the Cabinet.

Let a specific affidavit in regard to the time line be filed by the Chief Secretary, Punjab, within next two weeks.

At request, adjourned to 05.05.2025.

Decision taken by Cabinet be placed on record on or before the next date of hearing. No further adjournment shall be afforded.

Keeping in view the above, learned Contempt Court is requested to adjourn the matter(s) as may be listed before it, beyond the date fixed in these appeals subject to filing of necessary affidavit by the Chief Secretary, Punjab in the present matter.

Photocopy of this order be placed on the files of above mentioned connected cases.

8. In compliance with the said order dated 05.05.2025, a short reply by way of affidavit of under Secretary, Department of Forest and Wildlife Preservation, Punjab was filed. The relevant part of the said affidavit reads as under:-

“ 4. That in order to expedite the implementation of the directions given by this Hon’ble Court, after collating the records and necessary information, on 11.04.2025, a meeting under the chairmanship of Chief Secretary Punjab was held, wherein, following decision were taken:-

- i) The Personnel Department, Government of Punjab was directed to take immediate action with regard to regularization of 72 daily wage

workers covered under the 18.03.2011 policy. In terms of this decision 24 petitioners in the present bunch of cases would be the beneficiaries.

- ii) With regard to granting security of tenure to 506 daily wage workers in terms of policy instructions of 2023, the Personnel Department, Government of Punjab was directed to immediately put up the file for orders. In terms of this decision, 101 petitioners in the present bunch of cases would be the beneficiaries.
- iii) With regard to the relaxation in educational qualification and age limit in the policy dated 16.05.2023 to ensure security of tenure to 378 petitioners who did not fulfil the age limit and educational qualification of the policy dated 16.05.2023. It was directed the case be put up before the council of Ministers for taking decision.

A copy of the minutes of meeting dated 11.04.2025 is annexed herewith as Annexure A-2.

5. That insofar as decision taken in the meeting dated 11.04.2025 on the issues no. 4 (i) and 4 (ii) is concerned, it is the Hon'ble Chief Minister of Punjab, who has to grant the final approval. The file with complete data/information has been forwarded to his office.

6. That further, insofar as the issue in terms of paragraph 4 (iii) herein above is concerned, the necessary decision has to be taken by the Cabinet/Council of Ministers. In this regard, the necessary Memorandum was prepared. The complete file with data/information has been forwarded to the office of Hon'ble Chief Minister, who is the competent authority to convene the meeting of the Cabinet/Counsel of Ministers.

9. Today, when the matter was taken up for hearing, learned counsel for the appellants has reiterated the stand taken in the aforesaid affidavit stating that the matter is pending approval before the Authorities as indicated in Paras 5 and 6 above.

10. Be that as it may, the fact remains that the writ petitions were filed in the years 2003-2013. The length of service of the respondents (writ petitioners) as indicated in the writ petitions, has not been disputed by the appellants-State.

11. We may also notice that sufficient opportunity has already been granted to the appellant-authorities to consider the matter and take appropriate action/decision pursuant to the judgment delivered by the learned Single Judge. However, as noticed above, it is still not forthcoming as to why the authorities are delaying the matter. It is with this background that we have taken up the matters for final disposal.

12. Learned counsel appearing for the appellants has argued that while passing the impugned judgment, the learned Single Judge has lost sight of the settled judicial pronouncements that no person can be regularized in the absence of any sanctioned post. It is further argued that in the Constitution Bench Judgment of the Hon'ble Supreme Court in Secretary, State of Karnataka & Ors. vs. Uma Devi & Ors. (2006) 4 SCC 1, it has been held that only those employees, who were appointed against sanctioned posts, having minimum educational qualification, could be considered for regularization. It is further argued that the respondents (writ petitioners) knew it very well at the time of their appointment that they were not appointed against the sanctioned posts and, thus, they have no vested right for regularization. It is yet further argued that the respondents (writ petitioners) are working on daily wages and no policy has been framed by the Government/State as regards the regularization of the services of such daily wagers. Learned counsel for the appellants contends that the concept of equal pay-equal work cannot be made applicable to the respondents (writ petitioners) as they were not working against the sanctioned posts. While assailing the

judgment of the learned Single Judge, it is further argued that once the respondents (writ petitioners) were not having the requisite qualification for being considered for regularization under the policy, the directions contained in Para 47 of the judgment of the learned Single Judge are not sustainable. It is lastly argued that by issuing the mandate, the learned Single Judge has directed the appellants-State to create the posts and regularize the respondents (writ petitioners), which is not sustainable in the eyes of law. Accordingly, a prayer has been made for setting aside the impugned judgment passed by the learned Single Judge.

13. On the other hand, learned counsel appearing for the respondents (writ petitioners), while defending the judgment passed by the learned Single Judge have vehemently contended that having worked for more than 30 years, the respondents (writ petitioners) cannot be denied the benefit of regularization merely on the basis of the fact that they have been/are working on daily wages. It is further argued that the stand of the appellants that the respondents (writ petitioners) were not appointed against the sanctioned posts is not tenable as it is settled principle of law that once an employee has been appointed to discharge the duties and he continuous working as such for years together, he is entitled to regularization of his services in terms of various judgments of the Hon'ble Supreme Court and particularly the one in Uma Devi's case (supra).

14. It is further argued by the learned counsel for the respondents (writ petitioners) that the stand of the appellants as regards the matter being under active consideration of the authorities

is nothing, but a tactic to delay and defeat the legal rights of the respondents (writ petitioners). Accordingly, a prayer has been made for dismissal of the appeals filed by the appellants-State.

15. We have heard learned counsel for the parties and have also gone through the paper book, including the impugned judgment.

16. In our opinion, the question that arises for consideration by this Court is whether the learned Single Judge is justified in issuing the directions contained in Para No.47 of the impugned judgment as regards the regularization of the respondents (writ petitioners) and their entitlement to the minimum of pay scale, plus dearness allowance and the grade pay.

17. The learned Single Judge, after noticing various judgments of the Hon'ble Supreme Court including the Uma Devi's Case (supra) framed the following four questions for consideration:-

- i) Whether this Court can direct the respondents to create/sanction the posts?
- ii) Whether the petitioners are entitled to be regularized/absorbed?
- iii) Whether the petitioners are entitled to minimum of pay scale including dearness allowance and grade pay?
- iv) What relief can be granted to those who after having rendered service of more than 30 years, during the pendency of their petitions have superannuated or passed away?"

18. Under question No.1, it has been observed by the learned Single Judge that the appellants-State had started making appointments on contract/ad-hoc/temporary/part time basis in every Departments and many teachers appointed on contract basis were getting miniscule in comparison to the regularly appointed peons. It was further observed that the Hon'ble Apex Court in case of exigencies had permitted appointment on contract basis, but not as a routine practice. It was further observed that most of the respondents (writ petitioners) were appointed much prior to the judgment of the Hon'ble Supreme Court in Uma Devi's case (supra) and the regularization policy of the State issued in 2001 became inconsequential post the said judgment. Thus, the State was duty bound to consider all the employees, who had completed 10 years of service without intervention by the end of 2006. Accordingly, it was held that in the normal course, the Court cannot direct the State to create or sanction the post.

19. Under question No.2, while elaborately discussing a plethora of judgments of the Hon'ble Apex Court, it was held that once the employees had worked for a long period, it would be unjustified to deny them benefit of regularization on the ground of not possessing minimum qualification.

20. As regards question No.3, the respondents (writ petitioners) were held entitled to the minimum pay scale plus dearness allowance and grade pay provided they had completed 10 years of service.

21. As regards question No.4 it was held that the respondents (writ petitioners) who had superannuated or passed away after completing 20 years of service were entitled to the benefit of minimum pay scale dearness allowance and grade pay for the period beyond service of 10 years and the respondents (writ petitioners) who had completed 10 years of service by 31.12.2006, but the records had either been destroyed or lost by the appellants-State, it was held that if such respondents (writ petitioners) were having documentary evidence in respect of completion of 10 years of service by them, they would be at liberty to submit available evidence to the appellants, who while deciding the question of 10 years of service shall consider it.

22. After carefully and minutely going through the judgment passed by the learned Single Judge, we are of the considered opinion that the directions given by the learned Single Judge are perfectly justified for the following reasons:-

- (1) Once the appellants have not disputed the length of service of the respondents (writ petitioners), they cannot deny their legal right for being considered or entitled to regularization merely on the ground that they have been working as such on daily wages. Grant of any indulgence on such count would amount to allowing the appellants to take benefit of their dominion.
- (2) Even if the respondents (writ petitioners) had worked/have been working on daily wages, the

fact remains that they had rendered their services for the cause of the appellants and gave/ have given their prime years in discharge of such duties. Obviously they continued working as such, because the duties/works assigned to them were the requirements of the appellants. The appellants cannot be allowed to play according to their convenience. On the one hand, they have availed the services of the respondents (writ petitioners) and on the other, they are denying them the benefit of regularization, merely on the ground that the respondents (writ petitioners) were working as daily wages.

- (3) The plea of the appellants that the respondents (writ petitioners) were appointed as daily wages, is not tenable for the reason that daily wagers are only employed as a stop gap arrangements for a limited period but in the instant case, the employees have either worked or been working for more than three decades and therefore, they cannot be termed to be daily wagers.
- (4) It is not the case of the appellants that they have not considered the cases of the other similarly situated employees under different

policies from time to time. That being the position, the appellants cannot be heard saying that the respondents (writ petitioners) cannot be considered for regularization or they are not entitled to such benefit for want of sanctioned posts.

- (5) It is settled in service jurisprudence that once an employee has worked for a considerable long period, his case is to be considered for regularization by the State by framing appropriate policy in terms of the Constitution Bench judgment of the Hon'ble Supreme Court in Uma Devi's case (supra). The only caveat which bars such regularization is that the appointment to such posts must not be a back door entry and rather, the same should be after following the due procedure of law as provided under Articles 14 and 16 of the Constitution of India.
- (6) The deliberations on the part of the appellant-State as regards the consideration of the cases of the respondents (writ petitioners) on individual basis is an exercise within their domain in order to comply with the judgment passed by the learned Single Judge, but as

noticed above, the present batch of appeals cannot be kept pending for an indefinite period.

- (7) We may also deal with the argument raised by the learned counsel for the appellants that the directions given by the learned Single Judge in Para No.47 amount to creation of the posts. Suffice to say that before coming to the conclusion as indicated in Para No.47 of the judgment of the learned Single Judge, an extensive discussion and issue wise findings have been recorded by the learned Single Judge and, thus, it has been held that though the Court cannot ask the State to create or sanction post(s), yet the respondents (writ petitioners) cannot be denied the benefit of regularization on the ground of lack of sanctioned post(s) or minimum educational qualification. It may further be observed that an employee, who has rendered more than 30 years service under the State, cannot be denied benefit of regularization on the ground of lack of requisite/minimum qualification. No doubt the parameter of requisite educational qualification is one of the conditions of the appointment to a particular post, but when an employee appointed against such posts has been working

for more than three decades, denying him the benefit of regularization on the ground of not possessing minimum educational qualification would be totally iniquitous.

23. In view of the above, while answering the question framed above, it is held that the impugned judgment passed by the learned Single Judge does not suffer from any patent illegality or perversity. Consequently, the present batch of the appeals is hereby dismissed.

24. No other point has been urged.

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

[SUDHIR SINGH]
JUDGE

[ALOK JAIN]
JUDGE

16.05.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No