

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

**CM No.13565-CWP of 2017 in/and  
CWP No. 18882 of 2003**

**Date of decision : 13.12.2017**

**Ram Singh**

.....Petitioner

*Versus*

**State of Punjab and others**

...Respondents

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present : Mr. J. S. Dahiya, Advocate for the applicant/petitioner.  
Ms. Sudeepti Sharma, Addl. A. G., Punjab.

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**DAYA CHAUDHARY, J. (Oral)**

**CM No.13565-CWP of 2017**

The present application was filed for early hearing of the case as the matter has been remanded by Hon'ble the Apex court and the present case is squarely covered by decision of Hon'ble the Apex Court rendered in SLP No.4033 of 2006.

Notice in the application was issued.

Learned State counsel was directed to go through the judgment and to see as to whether the present case is covered by the decision of Hon'ble the Apex Court or not.

Ms. Sudeepti Sharma, Additional Advocate General for the State of Punjab on going through said judgment and facts of the case and on instructions from Ms. Surinder Kaur, Superintendent Sports, Office of

Director Sports, Punjab, Chandigarh has admitted that the present case is squarely covered by the decision of Hon'ble the Apex Court.

The main case is, therefore, taken up for hearing today being covered matter.

**CWP No. 18882 of 2003**

The copy of the judgment passed in *CWP No.24735 of 2015* titled as *Mahavir Singh Vs. State of Punjab and others* decided on 19.04.2017 (Annexure P-5) is annexed with the application. The relevant portion of said judgment is reproduced as under:-

“8. The Government of Punjab took a one time policy decision dated 18.03.2011 for regularisation of the services of the employees who have completed three years service. This policy covered the daily wagers, work-charged, contractual employees working on permanent posts appointed after fulfilling eligibility criteria as per procedure. The only defence raised herein is that the Government in its policy dated 18.03.2011 has made it applicable to certain departments and the same is not applicable to employees working in the Sports Department. No special reason has been given as to why the Sports Department has been excluded from the purview

9. A Single Bench of this court in Civil Writ Petition No. 24337 of 2012 decided on 17.08.2015 titled *Shri Pal And Others Versus State Of Punjab And Others* has held that the exclusion of employees of certain departments from being entitled to the benefits of the regularisation policy of 2011 is unfair discriminatory and violative of Article 14 of the Constitution of India. In deed, there is no such reasonable criteria forthcoming as to why this pick and choose policy has been adopted. Once a decision is taken to

extend the benefit of regularization to employees of certain departments, other have to be treated equally.

10. Therefore, in view of the discussion above, it is held that the petitioner who has now served the department for a considerable length of time would be entitled to be considered for regularization under the 2001 policy, as he has been deemed to be in service since 15.06.1996 by the department itself. Let the exercise be carried out within a period of two months from the date of receipt of certified copy of the order and any arrears of pay etc. admissible to him consequent to regularisation, be released to him limited to a period of 38 months prior to filing of this writ petition.”

Keeping in view the submissions made by learned counsel for the parties, the present writ petition is allowed in terms of decision rendered in Mahavir Singh's case (supra).

**13.12.2017**  
*sunil yadav*

**( DAYA CHAUDHARY )  
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No