

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

Reserved on : 12.03.2024  
Pronounced on : 21.03.2024

(i) CWP-10786-2015  
Prem Singh .....Petitioner  
Versus  
State of Punjab and others .....Respondents

(ii) CWP-11553-2015  
Tirath Singh .....Petitioner  
Versus  
State of Punjab and others .....Respondents

(iii) CWP-11641-2015  
Kamaljit Singh .....Petitioner  
Versus  
State of Punjab and others .....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present : Mr. Ish Puneet Singh, Advocate  
for the petitioner(s).

Mr. Teevar Sharma, AAG, Punjab.

Mr. J.S. Toor, Advocate and  
Mr. Adhiraj Toor, Advocate  
for respondents No.2 to 6.

**NAMIT KUMAR, J.**

1. This judgment shall dispose of CWP Nos.10786, 11553  
and 11641 of 2015, as common question of law and facts are involved

for adjudication. For the sake of convenience, facts are taken from CWP No.10786 of 2015.

2. The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India seeking a writ in the nature of certiorari for quashing the order dated 13.03.2014 (Annexure P-4), passed by respondent No.4, to the extent the petitioner has been held entitled to arrears of pay w.e.f. 07.09.2011 instead of 23.01.2001. Further a writ of mandamus has been sought for directing the respondents to grant all consequential benefits to the petitioner from the date of regularization of his service i.e. 23.01.2001, along with interest.

3. The brief facts, as have been pleaded in the petition, are that the petitioner was appointed as Mali on daily wage basis in the Punjab Mandi Board on 06.01.1991 and since his case for regularization was not being considered by the department, he approached this Court by filing CWP No.12322 of 2011 which was disposed of by this Court vide order dated 15.07.2011, whereby the respondents therein were directed to consider and decide the claim of the petitioner within a period of two months and if the petitioner was found entitled to the relief claimed, the same should be granted within a period of 02 months. In pursuance to the order dated 15.07.2011, passed by this Court, the case of the petitioner for regularization was considered and his services were regularized w.e.f. 23.01.2001, vide order dated 29.08.2011 (Annexure P-2). Thereafter, the petitioner represented to the authorities concerned for grant of payment of consequential benefits such as opening of service book, annual increments and ACP scales etc. w.e.f.

23.01.2001, vide his representation(s) dated 24.02.2012, 13.07.2012 and 10.01.2023, however, vide order dated 13.03.2014, passed by respondent No.4, it has been ordered that arrears shall be paid to the petitioner only w.e.f. 07.09.2011 and from 01.11.2006 to 06.09.2011, notional fixation shall be done. Aggrieved against the order dated 13.03.2014, the petitioner has preferred the instant petition.

4. The respondents have filed their written statement, wherein it has been submitted that the services of the petitioner have been regularized w.e.f. 23.01.2001. He has been granted the benefit of ACP on completion of 04 years and 09 years of his service in view of letter dated 03.11.2006 and has been granted notional fixation of pay w.e.f. 01.11.2006 to 06.09.2011. It has further been submitted that in compliance with the order dated 15.07.2011, passed in CWP No.12322 of 2011, the case of the petitioner was considered for regularization and accordingly, his services were regularized w.e.f. 23.01.2001 and after regularization, the petitioner has joined on 07.09.2011 and the benefits for the service rendered by him on daily wages prior to his regularization is not maintainable, therefore, notional pay fixation was granted for the period from 01.11.2006 to 06.09.2011 and arrears have been granted from 07.09.2011.

5. Learned counsel for the petitioner submits that once the services of the petitioner have been regularized w.e.f. 23.01.2001, he cannot be denied the benefit of arrears of regular pay scale from that date. He submits that the said order of regularization has been passed in pursuance to the directions passed by this Court vide order dated

15.07.2011 passed in CWP No.12322 of 2011. Learned counsel for the petitioner restricts his claim only with regard to the grant of arrears of pay w.e.f. 23.01.2001 i.e. the date from which the services of the petitioner have been regularized.

6. Per contra, learned counsel for the respondents submits that since the services of the petitioner have already been regularized in terms of the relevant policy, the petitioner cannot claim the arrears of regular pay scale prior to the date of passing of the order i.e. 29.08.2011.

7. I have heard learned counsel for the parties and perused the relevant record with their able assistance.

8. Admittedly, the petitioner joined the service of the respondent-Punjab Mandi Board on 06.01.1991 on daily wage basis and his claim for regularization has been considered by the respondents in pursuance to the directions issued by this Court, vide order dated 15.07.2011, passed in CWP No.12322 of 2011 and the services of the petitioner have been regularized w.e.f. 23.01.2001 vide order dated 29.08.2011. Thereafter, the petitioner has joined on regular basis on 07.09.2011. Meaning thereby, the petitioner was entitled for regularization w.e.f. 23.01.2001 and it is the respondents who have delayed his regularization and once his services have been regularized from earlier date, he cannot be denied the regular pay scale of the said post w.e.f. the date of regularization i.e. 23.01.2001. Moreover, no justification has been given by the respondents for not granting the arrears of regular pay scales to the petitioner from 23.01.2001 onward.

9. In view of the above, the present petitions are allowed. The respondents are directed to grant the arrears of pay to the petitioner(s) on account of regularization w.e.f. 23.01.2001 till 06.09.2011, with all consequential benefits, within a period of 03 months from the date of receipt of certified copy of this order.

21.03.2024  
*Kothiyal*

(NAMIT KUMAR)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |