

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

211

CWP-2951-2016  
Decided on :15.03.2024

Sukhminder Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**PRESENT:** Mr. K. S. Khehar, Advocate and  
Mr. Karan Diwan, Advocate for  
for the petitioners.

Ms. Akshita Chauhan, DAG, Punjab.

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**VIKAS BAHL, J.(ORAL)**

1. Present Civil Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ in the nature of certiorari setting aside the order dated 06.02.2007 (Annexure P-6) by which the orders of regularization passed in favour of the petitioner in the year 2002, has been withdrawn. Challenge is also to the order dated 26.11.2015 (Annexure P-8) vide which, while reconsidering the order dated 06.02.2007, the case of the petitioner for grant of relief has been rejected.

2. Learned counsel for the petitioners as well as learned State counsel have submitted that the present case is squarely covered by the judgment of a Coordinate Bench of this Court in **CWP-24063-2017** titled

**Ramji Dass Vs. State of Punjab and others** dated 29.07.2022 in which the challenge was to the same impugned order dated 26.11.2015 (Annexure P-8) as is challenged in the present case and in the said case, the said order was set aside and the writ petition was allowed in the same terms as the case of **Bhupinder Singh Vs. State of Punjab and others**, **CWP-29442-2017** dated 31.01.2020. The said judgment is reproduced hereinbelow:-

*“Present writ petition has been filed for quashing of impugned order dated 26.11.2015 (P-8) whereby the order of regularization pertaining to 14 employees including petitioner, was withdrawn.*

2. *In the year 2002, when the petitioner was serving as work-charged Supervisor, his services were regularized as a Canal Patwari in the Kandi Watershed Water Drainage, Hoshiarpur against a vacant post. Thereafter, in 2007 the respondents sought to de-regularize his services and revert him to the lower post. The said order was challenged by the petitioner by filing CWP No.3227 of 2007. The operation of impugned order was stayed and the petitioner continued working on regular basis as a Canal Patwari. While working as such, he attained the age of superannuation on 31.03.2012. This Court vide order dated 14.10.2015 passed in the above writ petition, directed the respondents to take decision on the issue of regularization. Thereafter, vide impugned order dated 26.11.2015 (P-8) claim of petitioner for regularization was rejected.*

3. *Concededly, one of the co-employees, namely, Bhupinder Singh filed Writ Petition No. 29442 of 2017 impugning the same very order and the said writ petition has already been accepted, vide order dated 31.01.2020, resulting into quashing of the order dated 26.11.2015 (P-8).*

4. *Learned State counsel on instructions submits that till date, aforesaid order has not been set aside either in appeal or otherwise. She also acknowledged that present controversy is squarely covered with **Bhupinder Singh's case (supra)**.*

5. *For reference, relevant paragraph of the order passed in **Bhupinder Singh's case (supra)** is reproduced as under:-*

*“21. As the petitioner had retired in the year 2012 and on the said date, he was working as a Canal Patwari on regular basis but still the respondents have withheld his pensionary benefit and that too without any valid justification. Rather petitioner was forced to litigate again for the release of his pensionary benefits after his retirement and he has been deprived of his legitimate claim for a period of approximately 8 years, petitioner is also held entitled for the interest on the amount, which will be released to him under this order @ 6% per annum from the date the amount became due till the actual payments are released. Let the exercise of the computation of the pensionary benefits and interest under this order be completed within a period of two months from the date of receipt of certified copy of this order and the amount so*

*computed be released to the petitioner within a period of one month thereafter.*

*22. Present writ petition stands allowed in the above terms.”*

*6. In view of the above, there is no justification to keep the present petition pending any further being covered matter. As a result thereof, writ petition is allowed in the same terms as in **Bhupinder Singh’s case (supra)**.*

*7. Pending civil misc. application(s), if any, shall also stand disposed off.*

*29.07.2022 (MAHABIR SINGH SINDHU)  
JUDGE”*

3. Keeping in view the abovesaid facts and circumstances, the present writ petition is allowed in the same terms as in **Ramji Dass’s case (supra)**.

(VIKAS BAHL)  
JUDGE

15.03.2024  
*Mehak*

|                                   |                          |
|-----------------------------------|--------------------------|
| <i>Whether reasoned/speaking?</i> | <i>Yes/<del>No</del></i> |
| <i>Whether reportable?</i>        | <i><del>Yes</del>/No</i> |