



**109+295 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

- 1)

CWP-2009-2021(O&M)
Date of decision: 26.11.2025
- Jagdish Ram and others

....Petitioners
- Versus
- State of Punjab and others

...Respondents
- 2)

CWP-4611-2021
- Sadanand and another

....Petitioners
- Versus
- State of Punjab and others

...Respondents
- 3)

CWP-5386-2021
- Bir Bahadur and others

....Petitioners
- Versus
- State of Punjab and others

...Respondents
- 4)

CWP-21523-2023
- Daler Singh and others

....Petitioners
- Versus
- State of Punjab and others

...Respondents
- 5)

CWP-41-2024
- Chamkaur Singh and others

....Petitioners
- Versus
- State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pawan Kumar Mutneja, Senior Advocate with
 Mr. Viranjeet Singh Mahal, Advocate and
 Ms. Suverna Mutneja, Advocate
 for the petitioner(s) (in CWP-2009-2021;



CWP-4611-2021 & CWP-5386-2021).

Mr. L.S. Mann, Advocate and
Mr. Hardeep Singh, Advocate
for the petitioner(s) (in CWP-21523-2023).

Mr. Ravi Gakhar, Advocate
for the petitioner(s) (in CWP-41-2024).

Mr. Vikas Sonak, AAG, Punjab.

Mr. H.K. Aurora, Advocate
for respondent No.3 (in CWP-2009-2021; CWP-5386-2021 &
CWP-4611-2021) and
for respondent No.4 (in CWP-41-2024).

HARPREET SINGH BRAR, J. (ORAL)

CM-17594-2025

The present application has been filed under Order 22 Rule 3 of CPC read with Section 151 of CPC for impleading the legal heirs of petitioner No.1.

In view of the averments made in the application and in view of the fact that respondent has not seriously opposed the same, the application is allowed and the legal heirs of petitioner No.1 as mentioned in para No.2 of the application are allowed to be impleaded as prayed for.

Amended memo of parties is taken on record.

Registry is directed to do the needful.

Main Cases

1. This common order shall dispose of the aforementioned civil writ petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CWP-2009-2021.
2. The present petition(s) has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing



the respondents to regularize the service of the petitioner(s) w.e.f. 2006 as per the judgment of this the Constitutional Bench of the Hon'ble Supreme Court in 'Secretary, State of Karnataka and others Vs. Uma Devi' (2006) 4 SCC 1.

3. Learned senior counsel for the petitioner *inter alia* contends that all the petitioners are working since the year 1994-95 onwards and they are neither part time employees nor casual laborers. The respondent-Corporation is extracting regular jobs which are perennial in nature. As such, the case of the petitioner(s) is squarely covered by the judgments rendered by this Court in CWP No.19238 of 2013 titled as 'Amrish Sharma and others Vs. State of Punjab and others'.

4. Per contra, learned counsel for the respondent-Corporation submits that the petitioner(s) are seeking regularization from the year 2006. However, they were regularized only in the year 2016.

5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that petitioner has based his claim entirely on the basis of the judgment rendered by a coordinate bench of this court in ***Amrish Sharma (supra)***, where a writ was disposed of with the following directions.

“47. In the wake of above discussion and findings, this Court comes to conclusion as below:

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.”

6. In view of the discussion above, the present petitions are disposed of with the direction to the respondents to consider the claim of the petitioner strictly in terms of the judgment rendered by this Court in **Amrish**



Sharma(supra) within 3 months of receiving a certified copy of this order.

7. Needless to say if the petitioners are found entitled to the relief sought, the same shall be granted to them forthwith.
8. A photo copy of this order will be placed on the file of connected cases.
9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

26.11.2025
Neha

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