



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

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**CWP-13449-1997 (O&M)
Date of decision: 20.11.2025**

Mohan Lal

....Petitioner

Versus

The State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Gautam, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Vishal Gupta, Advocate
for respondents No.2 to 4.

HARPREET SINGH BRAR J. (Oral)

PRAYER

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus directing the respondents to issue an appointment letter to the petitioner in terms of the undertaking given by the learned Advocate General, Punjab on 28.07.1995 and 04.08.1995 before the Hon'ble Supreme Court.

FACTUAL MATRIX

2. Briefly the facts of the case are that the petitioner was appointed as an Earth Work Mistri on a work-charged basis in the Anandpur Sahib Hydel Project (hereinafter ASHP) on 10.09.1978. Upon the completion of the ASHP, his services were terminated on



31.07.1985, and he was paid retrenchment compensation under the Industrial Disputes Act, 1947. The petitioner was a party to CWP No. 5981 of 1985, which was clubbed with **CWP No. 718 of 1986 Mehanga Ram & Ors. vs. State of Punjab & Ors.** This Court allowed the writ petitions vide order dated 30.05.1986. The State preferred Letters Patent Appeals. The Division Bench of this court in **State of Punjab & Ors. vs. Mehanga Ram & Ors. LPA No. 740 of 1986, decided on 12.01.1989**, while allowing the State's appeals and holding that the minutes of the meeting dated 17.12.1974 were executive instructions not enforceable by mandamus, issued the following specific directions in the concluding paragraph of its judgment:

"However, having regard to the facts and circumstances of the present case, we think that the equitable course is the one that was followed by the Supreme Court in the decision in G. Govinda Rajula... Following that decision, we directed the respondents to take the retrenched employees in other projects or in service of the Government according to the qualifications of each of the employees and their fitness. Such absorption of the retrenched employees shall be done within a period of six months from this day... The retrenched employees also will be entitled to take into account the service rendered in the Anandpur Sahib Hydel Project in case they are appointed in pensionable jobs for the purpose of pension and other retirement benefits."

3. Learned counsel for the petitioner inter alia contends that the direction issued in **Mehanga Ram (supra)** was final and binding for all retrenched employees, including the petitioner. He submits that despite this clear mandate, the respondents failed to absorb the petitioner. He further relied on the order of the Hon'ble Supreme Court



dated 04.08.1995 (Annexure P-1), wherein the learned Advocate General, Punjab gave an undertaking that appointment/transfer letters would be issued to the employees whose services were terminated from the ASHP. He contends that the petitioner, being a retrenched employee of the ASHP, is squarely covered by this undertaking. The denial of this benefit to him, while it was extended to other similarly situated employees, is arbitrary and violates Articles 14 and 16 of the Constitution.

4. *Per contra*, learned State counsel as well as learned counsel for respondents No.2 to 4, submit that the petitioner was retrenched as far back as 31.07.1985 and he was not in service when the policy dated 07.05.1993 was framed. He emphasizes that the petitioner was not a direct party to the SLP which led to the order at Annexure P-1 and that his own application (I.A. No. 3 of 1996) in the said SLP was dismissed as withdrawn on 30.07.1996 (Annexure P-5) with liberty to approach this Court. He also raises a preliminary objection regarding laches, arguing that the petitioner approached this Court in 1997, eight years after the judgment of *Mehanga Ram (supra)*.

OBSERVATIONS & ANALYSIS

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

6. It may be profitable to refer to the legal maxim *boni judices est causas litium dirimere*, which calls upon the Judges to endeavour to ensure that the decisions rendered do not provide avenues



for further litigation. In that vein, this Court is of the considered opinion that once a competent Court has granted a certain relief to one set of employees, their similarly-situated counterparts must not be forced to move the Courts by denying them an identical relief. Furthermore, under the principle of *stare decisis*, the decision of the competent Court ought to be honoured to promote predictability and consistency in the law.

7. This Court cannot help but observe that the very essence of a welfare state, as envisioned by our Constitution, is compromised when the instrumentalities of the State itself become a source of protracted litigation. The principle that the State must act as a 'model employer' is not a mere platitude but a constitutional mandate that informs its dealings with its employees. Once a competent court has settled a legal issue and granted a specific relief to a set of employees, the State is under a solemn obligation to extend the same benefit to all other similarly situated individuals without forcing them to embark upon a fresh and arduous legal journey. To do otherwise, to grant relief to one and deny it to another identically placed is the very definition of arbitrariness prohibited under Article 14 of the Constitution. The State shoulders the profound responsibility of fostering justice and equity; it should, therefore, be a catalyst for the resolution of disputes, not the cause of their proliferation. The state must endeavor to ensure that its actions do not provide fertile ground for endless litigation, thereby honoring the principles of predictability, consistency, and the rule of



law. Reliance in this regard may also be placed on a judgment rendered by a Division Bench of this Court in *Satbir Singh vs. State of Haryana 2002 (2) SCT 354*.

8. After a thorough examination of the documents, the following critical facts are established:

a) The petitioner was a retrenched employee of the ASHP and was a party to the litigation that culminated in the Division Bench judgment in *Mehanga Ram (supra)*.

b) The *Mehanga Ram (supra)* judgment, dated 12.01.1989, contained a specific, positive, and mandatory direction for the absorption of retrenched employees like the petitioner within six months, which was declaratory in nature for all the employees, not confined to the employees who filed the writ petition.

c) The undertaking by the learned Advocate General before the Hon'ble Supreme Court on 04.08.1995 (Annexure P-1) was to issue appointment letters to "the employees whose services were terminated from the Anandpur Sahib Hydel Project." The petitioner indisputably falls within this class.

d) The respondents implemented this undertaking for some employees but excluded the petitioner.

e) The objection of laches is also misplaced. The cause of action is a recurring one in cases of continuous discrimination. The petitioner has been vigilant, as evidenced by his representations (Annexures P-2 to P-4) and his application before the Supreme



Court (Annexure P-5). The present writ petition, filed on 04.09.1997, is a direct consequence of and in compliance with that liberty granted by the Apex Court in 1996. Denying him relief on the ground of delay would perpetrate a grave injustice.

9. In view of the discussion above this court observes that the direction in ***Mehanga Ram (supra)*** was a continuing mandamus for the entire class of retrenched employees of ASHP. The undertaking before the Supreme Court (Annexure P-1) was a subsequent affirmation of this very obligation. The petitioner's identity as a member of this class is sufficient to entitle him to the benefit. The principle in ***Satbir Singh (supra)*** applies in full force; the State cannot arbitrarily pick and choose which members of an identically situated class will receive a benefit already granted by the Court.

10. The sufferance of the petitioner stems from the State's failure to comply with the judicial directions issued in his favor, and later the spirit of the undertaking given by its own Advocate General before the Hon'ble Supreme Court. While he diligently pursued his legal remedies across multiple judicial tiers, the State apparatus remained inert to his legitimate claims and repeated representations.

11. A Two judge bench of the Hon'ble Supreme Court in ***Gowramma C (Dead) By Lrs v. Manager (Personnel) Hindustan Aeronautical Ltd. 2022(11) SCC 794***, made the following observation.

“12. The most important question is whether the employee is at fault in any manner. If the employee is not at all at fault and she was kept out of work by reasons of the decision taken by the employer, then to deny the fruits of



her being vindicated at the end of the day would be unfair to the employee. In such circumstances, no doubt, the question relating to alternative employment that the employee may have resorted to, becomes relevant. There is also the aspect of discretion which is exercised by the Court keeping in view the facts of each case. As we have already noticed, this is a case where apart from the charge of the employee having produced false caste certificate, there is no other charge. Therefore, we would think that interests of justice, in the facts of this, would be subserved, if we enhance the back wages from 50% to 75% of the full back wages, which she was otherwise entitled. The appeals are partly allowed. The impugned judgments will stand modified and the respondents shall calculate the amount which would be equivalent to 75% of the back wages and disburse the amount remaining to be paid under this judgment within a period of six weeks from today to the additional appellants.” (emphasis added)

12. At this belated stage considering the lapse of time and age of the petitioner, it would be impracticable to reinstate the petitioner with backwages. This Court finds that the petitioner has endured significant hardship primarily due to the administrative apathy and recalcitrance of the respondent-State, without any fault on his own part.

13. A Two Judge Bench of the Hon’ble Supreme Court in *Sr. Suptd. Telegraph (Traffic) Bhopal v. Santosh Kumar Seal 2010(6) SCC 773* while speaking through Justice R.M. Lodha made the following observation,

“6. In last few years it has been consistently held by this Court that relief by way of reinstatement with back wages is not automatic even if termination of an employee is found to be illegal or is in contravention of the prescribed procedure and that monetary compensation in lieu of reinstatement and back wages in cases of such nature may be appropriate, (See U.P. State Brassware Corpn. Ltd. & Anr. v. Uday Narain Pandey 2006(1) S.C.T. 77 : (2006) 1



SCC 479; Uttaranchal Forest Development Corpn. v. M.C. Joshi 2007(2) S.C.T. 562 : (2007) 9 SCC 353; State of M.P. & Ors. v. Lalit Kumar Verma 2007(1) S.C.T. 620 : (2007) 1 SCC 575; Madhya Pradesh Administration v. Tribhuban 2007(2) S.C.T. 738 : (2007) 9 SCC 748; Sita Ram & Ors. v. Moti Lal Nehru Farmers Training Institute 2008(2) S.C.T. 660 : 2008(3) R.A.J. 251 : (2008) 5 SCC 75; Jaipur Development Authority v. Ramsahai & Anr. 2006(4) S.C.T. 772 : 2006) 11 SCC 684; Ghaziabad Development Authority & Anr. v. Ashok Kumar & Anr. (2008) 4 SCC 261 and Mahboob Deepak v. Nagar Panchayat, Gajraula & Anr. 2008(1) S.C.T. 310 : 2008(1) R.A.J. 295 : (2008) 1 SCC 575.”

Reliance in this regard may also be placed by the Judgments rendered by the Hon’ble Apex Court in ***Jagbir Singh v. Haryana State Agriculture Marketing Board and Anr. 2009(3) S.C.T. 790*** and ***State of Uttarakhand v. Raj Kumar 2019 INSC 28***.

14. In view of the discussion above, the present petition is accordingly disposed of with a direction to the respondent to compensate the petitioner by paying a lump sum amount of Rs.5 Lakhs as a monetary compensation sub-serving the ends of justice which shall be released within a period of three months from the date of receipt of a certified copy of this order.

15. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.11.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No