



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105/2

CWP-13591-1997(O&M)
Decided On: 01.04.2025

SAMPURAN SINGH AND OTHERS

....PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Salil Dev Singh Bali, Advocate with
Ms. Simmy, Advocate for the petitioners.

Mr. Krishan K. Chahal, Additional A. G., Haryana.

Mr. Rajesh Gaur, Advocate for respondent no.4.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed seeking a writ of *mandamus* directing the respondents to regularise the petitioners' services as Teachers, and release them consolidated salary in terms of their appointment.

2. At the outset, learned counsel for the petitioners contends that the petition survives only *qua* petitioner no.1/Sampuran Singh and no.2/Gurcharan Singh through his legal representatives.

3. As per facts of the case in brief, the petitioners were appointed as Voluntary Teachers on consolidated salary of ₹1000 per month, on 07.10.1994 and 01.12.1994. A decision taken by the Shivalik Development Board/Agency, Ambala, that local Voluntary Teachers (educated unemployed youths) should be appointed in Government Primary Schools for providing basic education to children in remote hill areas of the districts which were not connected by roads and lacked other infrastructure as well. The petitioners were accordingly engaged on the consolidated salary. Later, they were recommended to the Education Department for absorption as regular teachers on sympathetic ground, vide letter dated 26.06.1995, Annexure



P-2, and other communications, Annexures P-3 and P-4, respectively. However, the petitioners were never absorbed, and continued working as such on the consolidated monthly salary of ₹1000, which was enhanced to ₹5000 per month with effect from 01.05.2017, in terms of interim directions issued by this Court on the same day.

4. In this factual background, learned counsel for the petitioners has contended that the petitioners have been working in the Agency for the last more than thirty years, and have a right to be regularised in service. He has referred to a letter dated 18.04.2006, Annexure A-2, whereby the cases of these two petitioners were specifically recommended for regularisation, keeping in view the voluntary service rendered by them, and in the interest of students in remote hill areas. The relevant part of the recommendation reads as under:

As per the appointment letter the regularisation case of both these aforementioned teachers is being forwarded. In case these teachers are regularised then the students in the village would continue on regular basis and there would be no obstacle in the education of the children. These teachers are working in the below mentioned schools which are in mountain regions and there is no transport approach to reach the schools:

1. Sh. Gurcharan Singh son of --- Govt. Primary School
Khol Fateh Singh Branch Khol Mola
Shri Sita Singh Qualifications B.A. Giani
2. Sh. Sampuran Singh s/o --- Govt. Primary School Prem
Pura Branch Basole
Shri Chanan Singh Qualification Matric, +2

5. Learned counsel for the respondents/Agency, on the contrary, contends that the petitioners cannot be considered for regularisation as they are voluntary teachers. They have been paid remuneration from time to time



as a special measure vide separate resolutions which absolved the Agency of any future responsibility. The specific reply is to the following effect:

4 to 7It is further to add that in the 6th meeting of the Shivalik Development Board held on 08.01.1996 at Chandigarh under the Chairmanship of the then Chief Minister, Haryana, Sh. Bhajan Lal which was decided to pay the arrears of voluntarily teachers including the petitioners from the funds of Shivalik Development Agency, Ambala and also resolved it would not, however, be liability of the Shivalik Development Agency, Ambala in future and the Education Department of Haryana would provide teachers in their place in future and this payment of arrears of salary was made as one time. The relevant extract of the minutes of the 6th meeting of the Shivalik Development Board held on 08.01.1996 and minutes of meeting held on 14.02.1996 are attached herewith as Annexures R/4/2 and R/4/3. It is further to add that 7th meeting of the Shivalik Development Board under the Chairmanship of Ch. Bansi Lal, Chief Minister, Haryana was held in Chandigarh and it was resolved that the honorarium of 4 voluntarily teachers including the petitioner be released for the period upto 31.03.1997 from the funds of the Shivalik Development Agency, Ambala.

It has also been mentioned that there is a Scheme for filling up vacant posts of Teachers in Morni/Mewat areas, framed by Director, Secondary Education, and the petitioners can be adjusted therein. The Agency is a registered Society having its aims and objectives for overall integrated development of hilly and semi-hilly areas comprising Morni, Pinjore, Barwala, Raipur Rani and Naraingarh blocks of District Yamuna Nagar (earlier District Ambala). This integrated development is to take place in the field of agriculture, herbal plantation, education, public health, buildings and roads, irrigation watershed management, banking tourism, poultry, animal husbandry and wild life etc.



Therefore, it has continued with the services of the petitioners as Voluntary Teachers, and there is no reason that their services can be regularised.

6. Learned State counsel has also objected to the petitioners' regularisation by referring to certain paragraphs of the reply dated 10.03.2025, filed on behalf of respondents no.1 and 2 to the applications, i.e., CM nos. 365 and 366 of 2015, which are the following:

5. That it is relevant to mention here that the petitioners were voluntary teachers appointed by the respondent no.4 i.e. Shivalik Development Board and did not fulfil the basic qualification for the post of JBT being +2 only, accordingly, were not qualified for the in service training at that time hence, could not claim the parity between those who were selected for in service training as they fulfil the eligibility criteria at that time. It is further stated here that the petitioners were appointed as a stop gap arrangement without following regular selection process and were never engaged by the respondent Department.

6. That it is further submitted here that the respondent Department has already appointed two regular teachers and one guest teacher as per the affidavit filed by the respondent Department dated 02.03.2022, that the Education Department should provide teachers in the place of voluntary teachers.

7. That it is relevant to mention here that the respondent Department has written a letter vide memo no.16/90-1997 ET-II (2) dated 29.11.2024 (Annexure R-2) in which the respondent Department has cleared its stand that the respondent Department has no liability towards the payment of honorarium and other benefits to the petitioners as these teachers were never appointed by the respondent Department.

He further contends that reliance placed upon the office order dated 24.01.1990, whereby certain candidates were offered appointment as untrained teachers at a fixed salary of ₹700, is misplaced. Those persons were recommended by the Employment Exchange and had been engaged in the



Department prior to the petitioners' joining service with the Agency, and were not voluntary.

7. Submissions made by learned counsel for the parties have been considered.

8. It is apparent on record that the petitioners offered their services to the Agency for teaching students in remote hilly, semi-hilly areas of the old Ambala District. They were accordingly engaged as Voluntary Teachers for the hill areas on consolidated salary of ₹1000 per month, which was enhanced to ₹5000 with effect from 01.05.2017. There is no contract of service entered into between the petitioners and the Agency, nor are their terms of appointment regulated by any statute or rules framed thereunder. Resultantly, no employer-employee relationship exists between them and the Agency, and no regularisation of services can be sought. As per settled proposition of law, persons rendering voluntary service to the Government or its Organisation or Agency, are not entitled to regularisation. In this regard a reference can be made to the judgment in *Jiban Krishna Mondal and others v. State of West Bengal and others*, 2015 12 SCC 74, wherein the Supreme Court declined regularisation to Home Guards, who had rendered voluntary service to the State. The relevant paragraphs of the same are as under:

29. Majority of the appellants have attained the maximum age and are no more members of the Home Guards. The appointment letters enclosed by the remaining category of the appellants do not suggest that they are performing duty all over the year like any government servant. There is nothing on the record to suggest the master-servant relationship. They were appointed pursuant to the Home Guards Rules, 1962 and it is made clear that their services are voluntary and will not get any pay but the duty allowance as may be fixed by the State Government from time to time.



30. In that view of the matter, we hold that the appellants are not entitled for regularisation of service....

9. Also, learned counsel for the petitioners has not been able to point out any instance whereby the respondents/Agency or the Department have regularised services of any such similarly placed Voluntary Teachers.

10. In view thereof, there is no merit in the petition and it stands dismissed with the observations that the respondents will be at liberty to avail voluntary service of petitioner no.1 on payment of admissible remuneration, in case his services are required.

11. Pending miscellaneous application(s), if any, shall also stand(s) disposed of.

01.04.2025

Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No