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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

103 (03 cases)
104 (01 case)
204 (01 case)

Date of Decision: 05.04.2025.

(1) CWP-17067-1997 (O&M)

DHARAM PAL AND ANOTHER

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

(2) CWP-119-1998 (O&M)

SULTAN SINGH

... Petitioner(s)

Versus

STATE OF HARYANA THROUGH SECRETARY AND OTHERS

... Respondent(s)

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(3) CWP-4587-1998 (O&M)

NARINDER SINGH

... Petitioner(s)

Versus

STATE OF HARYANA THROUGH SECRETARY AND OTHERS

... Respondent(s)

(4) CWP-15114-1999 (O&M)

KARAMBIR SINGH

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

(5) CWP-5197-2000 (O&M)

SURESH KUMAR AND OTHERS

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Gurinder Pal Singh, Advocate, and
Mr. Sahil Kumar, Advocate,
for the petitioner(s).

Mr. R.K. Malik, Sr. Advocate, with
Mr. Kartikey Chaudhary, Advocate,
for the petitioner(s).

Mr. Sukhdev Singh, Advocate, for
Mr. Vikram Singh, Advocate,
for the petitioner(s) in CWP-119-1998.

Mr. Sanjiv Gupta, Advocate, for the petitioner
in CWP-4587-1998.

Mr. Ravi Dutt Sharma. DAG, Haryana and
Mr. Rahul Dev, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Involving identical issues, all the above mentioned writ petitions
are being decided by a common order.

2 A brief reference to the facts is however being made from CWP-
17067-1997 titled as 'Dharam Pal and another Vs. State of Haryana and
others.'

3 Learned counsel appearing on behalf of the petitioners contends
that the petitioners are employees of the Department of Public Health and
were engaged by the respondent-Department as daily rated employees on the
post of Water Pump Operator. The details of the appointments of the
petitioners in the above writ petition is tabulated as under: -

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Sr. No.	Name	Post	Date of initial appointment.
1	Dharam Pal	W.P.O.	01.09.1983
2	Vinod Kumar	W.P.O.	01.12.1987

4 Counsel contends that ever since the date of appointment, the petitioners have been performing the duties on the post of Water Pump Operator and have been marking their attendance in the Log Books of the Water Works which are also duly counter-signed by the officials of the respondents themselves. He contends that the Govt. of Haryana, formulated a policy for regularization of services of various categories of Govt. employees including the daily rated employees, in the year 1993. As per the said policy dated 31.03.1993, all daily rated employees who completed 05 years of service as on 31.03.1993 and were in service on the said date were to be regularized to the Group D cadre posts in the Govt. of Haryana.

5 Learned counsel contend that even though the petitioners were serving in the Group – C/Class III posts, the respondents issued the order for regularization of the petitioner to the Group -D posts and regularized them as Pump attendant. Notwithstanding the order of regularization on Class IV posts, the petitioners continued to discharge their functions on the substantive posts i.e. Water Pump Operators to which they were originally working. He submits that despite having been regularized to Group-D posts, the petitioners and other similarly placed persons preferred a representation before the

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Government expressing their objections against being regularized on a lower post despite having been engaged against Class III posts and fulfilling the prescribed qualifications and the requisite experience. They continued to work against the said posts in Group C. Accordingly, the Government issued supplementary policy vide letter dated 11.05.1994 wherein it provided for the employees who had been engaged against Class III posts to be regularized to such post subject to the conditions prescribed therein. The relevant extract of the said policy dated 11.05.1994 reads thus: -

“2. Daily Rated Employees:

(1) The Government had issued instructions dated 27th May, 1993 for regularisation of services of all the work— charged, casual and daily wager employees who had completed 5 years service on 31st march, 1993. In the reference of these instructions the regularised employees were entitled to the lowest Group-D scale of pay and all other allowances and benefits available to regular Government employees. But it has come to the notice of Government some departments daily wagers are also working on Class-III posts such as clerks, Steno-typist and drivers etc. The question whether such daily wagers should be raised in Group-D or Group-C scale has been engaging the attention of Government for some time past and after careful consideration it has now been decided that daily wagers who had completed 5 years’ service on Class-III posts on 31st March, 1993 and were in service on 31st March, 1993 should be regularised against their respective Class-III posts

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provided they fulfill the requisite qualifications and were originally appointed on Class-III posts and the posts are available. If the posts are not available, they should be got created from the Finance Department or they should be regularised in Group-D scale on compassionate ground like other daily wagers.”

6 He contends that the said policy entitled the petitioners to regularization to Class III posts since they had already completed 05 years as on 31.03.1993 and were also in service on the said cut-off date. He thus submits that even though Class III posts were available, their claim for being regularized to Class III posts has still been declined by the respondents solely on the ground that they did not fulfill the essential qualifications for appointment to Class III Posts. It is submitted that since their claims were wrongly rejected by the respondents, they preferred different writ petitions before this Court including CWP No.15051 of 1995 titled as Puran Chand and others Vs. State of Haryana and others, which was allowed by a Division Bench of this Court vide its order dated 13.08.1996 and the respondents were directed to regularize the petitioners therein to Group C posts by holding that they would be deemed to possess the requisite qualifications. The Special Leave Petition preferred against the same was also dismissed by the Hon’ble Supreme Court vide its order dated 19.08.1997.

7 Counsel further submits that so far as the aspect of the petitioners having been engaged to Group C posts i.e. as water pump operators is

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concerned, the respondents have specifically admitted the aforesaid factual aspect in the written statement filed by them through Chaman Lal, Sub Divisional Officer, Public Health Division, Sonapat, dated 17.03.1998. The operative part of the written statement i.e. para No.14 (i) reads thus:-

- (i) *That the petitioners were initially engaged on daily wages basis of Water pump Operator II but they had been regularized as Water Pump Attendant vide policy issued by the Financial Commissioner & Secretary to Govt Haryana vide Annexure R.4.”*

8 It is submitted by the petitioners that various similarly placed persons including some of the persons who were junior to the petitioners have also been regularized by the respondents pursuant to the orders passed by this Court in multiple writ petitions wherein the respondents State has been unsuccessful in its challenge. He contends that although the respondents tried to make improvements in the stand already taken by them in the written statement by way of filing a status report, however, the averments contained in the said report cannot supersede the admissions that have already been made by the respondents in their written statement.

9 He submits that as per the case set up by the respondents averring that the petitioners did not fulfill the qualifications for being appointed to the said post is concerned, the requisite qualification prescribed for the post of Water Pump operator is as follows:-

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- (i) *ITI Certificate in Motor/ Tractor/ Diesel/ Electronic/Mechanical.*
- (ii) *Literate with minimum experience of 5 years and field test.”*

10 It is submitted that there were two qualifications mentioned i.e. ITI Certificate in Motor/ Tractor/ Diesel/ Electronic/ Mechanical and the second being Literate with minimum experience of 5 years and field test. He contends that the respondents have been reading and interpreting the said provision to mean that both of above have to be made applicable whereas the interpretation given in a catena of judgments is that the said understanding of the respondents is incorrect as the requirements are inherently contradictory to each other and have to be deemed as “either/or.”

11 He contends that it would be incomprehensible to give effect to the mutually contradictory provisions where the first clause mandates the person to be having academic qualification of ITI Certificate in Motor/ Tractor/ Diesel/ Electronic/ Mechanical while the second clause prescribes only for a person to be Literate and having 5 years work experience. He contends that in case both the clauses were to be read as *sine qua non* for claiming regularisation, the second clause would be rendered nugatory and inapplicable since the element of illiteracy would pale into insignificance if possession of an ITI Certificate becoming a pre-requisite. Reliance is also placed by the petitioner on the judgment of this Court as well as of the

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Hon'ble Supreme Court, that will be referred to during the discussion on the respective contentions.

12 He further contends that the entire stand of the respondent State about the petitioner being engaged to Group 'D' post as Watter Attendant is incorrect and would fall apart since prior to the year 1996, there were no sanctioned posts of Water Pump Attendant and the post that existed was only that of Water Pump operator.

13 Counsel for the respondent State has, however, emphatically reiterated their submission to the effect that the regularisation policy mandated an applicant to fulfil the academic qualification prescribed thereunder and since the petitioners did not possess the requisite academic qualifications, hence, they could not be regularised to the post of Water pump operator i.e. a Class III post. He further contends that earlier judgments passed by this Court have not taken into consideration the prescribed academic qualifications and have passed the orders of regularisation. It is also pointed out that even though certain matters may have been decided against the respondent-State, however, in some matters wherein regularization orders were passed, Letters Patent Appeals are still pending and only contempt proceedings have been ordered to be kept in abeyance. It is also vehemently argued by the respondent State, by making a reference to the additional affidavit/status report, that was filed by the official respondents later in point of time, that the petitioners have been engaged for Group D posts initially

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and there was no requirement of any academic qualifications at that point of time, hence, they cannot be deemed to possessing the field experience as was mandated in the regularisation policy as well. It is thus argued with vehemence that the present writ petition deserves to be dismissed on the said score also.

14 I have heard the learned counsel appearing for the respective parties and have gone through the documents available on the record.

15 So far as the first objection of the respondent State that the petitioners had not been engaged as water pump operators and were in fact engaged in Group D post, is concerned, this argument cannot be accepted at this stage. The denial of an admission in written statement, by way of additional affidavit/status report, cannot be accepted. Reference having already been made to the specific averments contained in para No.14 (i) of the written statement filed by the respondents, it would not be possible for the respondents to escape from the consequences that flow therefrom.

16 Further, there has been no response on the part of the respondents to the specific contention raised by the counsel for the petitioners that prior to 31.03.1993, there was no sanctioned cadre post of the pump attendant except for one such post in District Rohtak. Thus, in the absence of any such sanctioned post, there was no occasion for engagement of any person as Water Pump Attendant and engagement would have been made

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only as an operator in all possibility. The contention of the State is thus rejected in view of the specific admission by the respondents.

17 The same thus leads this Court to the second objection which is as regards the academic qualifications and as to whether the said academic qualifications were conjoint or have to be read in isolation and subject to a candidate fulfilling either of the said conditions, he would be entitled for consideration of his claim for regularisation in terms of policy dated 11.05.1994. In this regard, it would be necessary to refer to the preceding judgments that have been passed.

18 It is not disputed by the counsel for the respondent State that claim of the similarly placed persons i.e. Puran Chand and others raised vide writ petition bearing CWP No.15051-1995 was allowed by this Court against which the Special Leave Petition (SLP) was also dismissed by the Hon'ble Supreme Court. Further, the Hon'ble Supreme Court, while dealing with the case of other similarly placed person in the matter of **Amrit Lal Vs. State of Haryana and others, reported as 1999 AIR (SCW) 4687**, referred to the judgment in the matter of **Puran Chand and others Vs. State of Haryana (CWPNo.15051-1995)** and held that the employees working thereunder would be deemed to be possessing a valid qualification on the basis of minimum experience of 05 years in field test and thus directed regularisation of their services. The contention of the respondent State that the petitioners therein did not possess the qualification for the post of water pump operator;

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a Group III post i.e. either possessing ITI Certificate in Motor/ Tractor/ Diesel/ Electronic/ Mechanical ‘or’ being Literate with minimum experience of 5 years in field test, was rejected. The contention of the respondent State in the aforesaid judgment before the Hon’ble Supreme Court was that twin conditions were prescribed and it was not an ‘either/or’ (either of the two) condition. The relevant extract of the said judgment reads thus: -

“3. The respondents contend that the appellant does not possess the requisite qualifications for the Class III post of Water Pump Operator, Grade II. The qualification which is prescribed for the post of Water Pump Operator, Grade II is either possessing an I.T.I. Certificate ‘or’ being Literate and having minimum experience of five years and field test, The Department has issued a letter dated 28-10-1994 and also a further certificate dated 3-2-1995 to the effect that the appellant (inter alia) possesses the prescribed qualifications and is a matriculate. In view thereof, we allow the appeals and direct that the appellant should be regularised in a Class III post as a Water Pump Operator, Grade II and be paid accordingly. The same view has been taken by the Punjab and Haryana High Court in the case of Puran Chand and others v. State of Haryana (C.W.P. No. 15051/95) from which Special Leave Petitions were filed before this Court. This Court dismissed the Petitions by its order in Special Leave Petitions (C) Nos. 24700-24702/96 dated 19-8-1997.”

19 At this juncture, it would also be relevant to mention here that as per the rules of interpretation, a Court while interpreting provisions of a

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Statute is required to take into consideration the interpretation that flows therefrom and in the event of any contradictory conclusions being drawn, the Court has to harmoniously construct the said clause. The interpretation which renders any clause meaningless and nugatory has to be ordinarily avoided.

20 In the event of acceptance of the argument advanced by the State that both the conditions have to be read together and are not to be read as a standalone condition, the same is likely to render one of the requirements as nugatory and meaningless. The proposed construction is thus bad and would defeat one of the other clause and only one of them exist.

21 It is further relevant to refer to the judgment of this Court in a batch of writ petitions including **CWP No.18331 of 1997 titled as Prem Chand Vs. State of Haryana and others, decided on 02.12.2015**, wherein similar claim was made by the persons seeking regularisation under the policy of 1996. This Court took into consideration the judgment passed in the matter of **Abdul Kayyum and another Vs. State of Haryana and others, CWP No.18974 of 1998 decided on 26.09.2000** and specifically noticed that the regularisation to the post to which a person is entitled cannot be denied solely on the ground that he had accepted his regularization on a Group D post. The relevant extract thereof reads thus: -

“It is pertinent to mention here that the services of the petitioners have been regularized as Group D employees even through it is the admitted case of the parties that they were working as Water Pump Operators Category-II. The conceded

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position that emerges from the aforesaid facts is that the petitioners were working as Water Pump Operators Category-II and if that be so then they cannot be denied the benefit of regularization on the very post on which they have worked on the ground that they do not possess the eligibility condition particularly when the nature of work taken from them is that of a Water Pump Operator.

This Court has already observed in C. W. P. No. 18974 of 1998 – Abdul Kayyum and another vs. State of Haryana and others, decided on 26.09.2000, as follows :-

“The primary reason for denial of the relief of regularisation as explained by the respondents is that though the petitioners were Matriculates but they did not possess the technical qualification of ITI certificate and, therefore, they could not be considered for regularisation on class-III post of Water Pump Operator. Another reason for declining the relief was that the petitioners were recruited as daily rated employees in the category of skilled workers on muster rolls and not as daily rated class-III employees as is being claimed by them. On the face of the above, the plea taken by the respondents is against the requisite qualification prescribed for the post of Water Pump Operator Grade-II as indicated in Annexure R-1. It is further indicated in Annexure R-1 that in the absence of ITI certificate the requirement is only of being a literate with a minimum of five years experience. Admittedly, the petitioners are Matriculates and they had been working on the post of WPO-II/APO continuously for five years on daily wages on the date when their cases for regularisation were considered. Regularisation of

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services of an employee by itself implies the regularisation of services he has rendered already as daily wager and it is only to be regularised in the case of the petitioners also as they were working on daily wages as WPO-II/APO. At the time of regularisation, they cannot be denied the benefit of regularisation on the same post on the ground that it will fall in class-III post. The petitioners have been regularised on the post of Pump Attendants which is a class-IV post and this on the face of it is contrary to the spirit of the notifications issued by the State Government for regularisation of services of the daily rated employees. A similar controversy has already been settled by this Court in Civil Writ Petition No. 19708 of 1998 (Tej Parkash Gaur and another Vs State of Haryana and others) and Civil Writ Petition No. 19709 of 1998 (Harish Chander Versus State of Haryana and others), both decided on 14.09.1998. In both these petitions, the petitioners were inducted into the service of the respondent-Department against the post of Water Pump Operator Grade-II, which was earlier designated as Assistant Pump Operator, on daily wage basis. However, their services were regularised against the post of Pump Attendants, which is a class-IV post. They challenged this action by means of aforesaid writ petitions. The writ petitions were allowed and the respondents were directed to regularise the petitioners in class-III service against the post of WPOII/APO in terms of the instructions as are C. W. P. Nos. 15820 of 1998 & 5926 of 2013 contained in Annexures P-3 and P-4 with this petition.

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It was observed in the aforesaid two decisions that the conclusion arrived at therein was supported by a decision of the apex Court in Civil Appeal Nos.1579-80 of 1998, titled as Amrit Lal versus State of Haryana and others, decided on 18.3.1998 and from the decisions of this Court in CWP No. 15051 of 1995, titled as Puran Chand and others Versus State of Haryana and others, decided on 13.8.1996. It goes without saying that the entries contained in the service books of the petitioners which were duly verified by the concerned authorities manifestly show that the petitioners were continuously working as WPO-II/APO and discharging their duties as such to the satisfaction of the authorities. There is thus, no reason why they should be downgraded to Class-IV posts at the time of their regularisation.

For the reasons aforesaid, these writ petitions are allowed. The respondents are directed to regularise the services of the petitioners on class-III post of Water Pump Operator Grade-II/Assistant Pump Operator in terms of the instructions dated 7.3.1996 and 18.3.1996. The petitioners shall also be entitled to all consequential benefits that may flow on their regularisation as directed above. These directions shall be complied with within a period of three months from the date of receipt of a copy of this order.”

Similarly, in C.W.P. No. 19708 of 1998 – Tej Parkash Gaur and another vs. State of Haryana and others, decided on 14.09.1999 which is also a judgment rendered by a Division Bench of this Court, it has been held as under :-

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“We find no justification in the action of the authorities in regularising the petitioners against the post of Pump Attendants. The claim of the petitioners for regularisation was liable to be considered against the post on which they had been engaged by the authorities. It is not disputed that the petitioners had actually been engaged to discharge duties as Water Pump Operator Grade-II/Assistant Pump Operator. They have duly discharged duties as such with effect from August 1989 and May 1990, respectively. They have also been paid emoluments for discharging duties against the aforesaid post. It is, therefore, wholly unreasonable to consider the claim of the petitioners for regularisation against a post inferior to the post against which they have been discharging their duties. The instructions dated 7.3.1996 and 18.3.1996 lay down terms and conditions for regularising services on Class III and Class IV posts. The petitioners have been discharging their duties against class III post of Water Pump Operator. They fulfil all terms and conditions stipulated in the aforesaid instructions. They also possess the essential qualifications stipulated for appointment to the post in question. In the aforesaid view of the matter, the petitioners are entitled to regularisation against the post of Water Pump Operator Grade II/Assistant Water Pump Operator in class III service.

*The conclusion drawn hereinabove, finds support from the decision of the Apex Court in **Civil Appeal Nos.1579-80 of 1998, titled as Amrit Lal versus State of Haryana and others decided on 18.3.1998**, and from the decision of this Court in **CWP No. 15051 of 1995 titled as***

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Puran Chand and others Vs State of Haryana and others, decided on 13.8.1996.

For the reasons recorded above, this petition is allowed. The respondents are directed to regularise the petitioners in class III service against the post of Water Pump Operator Grade II/Assistant Pump Operator in terms of the instructions dated 7.3.1996 and 18.3.1996. The aforesaid direction shall be complied with within a period of one month from the date of receipt of a copy of this judgment by the respondents. The petitioners will also be entitled to all consequential benefits in the nature of pay and allowances etc. which may accrue to them as a consequence of their regularisation.”

The said observation has been followed in a recent judgment rendered in CWP-15820-1998, titled Sanjeev Sharma and others v. State of Haryana and others, decided on 17.11.2015.”

22 Reference is also made to the judgment in the matter of **Sanjeev Sharma and others Vs. State of Haryana and others, CWP No.15820 of 1998 decided on 17.11.2015.** The petitioners therein were identically placed and had been engaged between the years 1989 to 1992 on the post of Water Pump Operators/Assistant Pump operators on daily wages basis and they were seeking their regularisation and were accordingly regularised to Class IV posts. The petitioners were ordered to be regularized on the post to which they were entitled i.e. Class III posts.

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23 The objection of the respondent State was that the petitioners did not possess the requisite qualifications i.e. they were not in possession of ITI Certificate. The said objection of the respondent was rejected by this Court after specifically noticing that position in law is no longer *res integra* and the Hon'ble Division Bench also considered the said question and ruled against the respondent. Reference is also made to the judgment in the matter of **Abdul Kayyum and another (supra)**.

24 The aforesaid judgment dated 17.11.2015 in the matter of **Sanjeev Sharma and others (supra)**, was challenged in the Letters Patent Appeal including **LPA No.907 of 2016 titled as The State of Haryana and others Vs. Subhash Chand and others**. The said LPA No.907 of 2016 was also dismissed by the Division Bench of this Court. The State preferred SLP (C) No.16502 of 2017 before the Hon'ble Supreme Court, which was dismissed by the Hon'ble Supreme Court vide judgment dated 09.01.2024. Hence, the judgment of the learned Single Judge as upheld by the Division Bench has also been affirmed by the Hon'ble Supreme Court.

25 In the said background, merely because certain other LPAs may be pending against the different orders passed by the learned Single Judge of this Court would be of no vital significance so far as these cases are concerned. It is not in dispute that there is no stay order passed by the Division Bench against the judgment passed by the learned Single Judge and the only protection granted is that the contempt proceedings be not pursued

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any further during the pendency of the said LPAs. Hence, the ratio of the judgments is thus applicable and binding.

26 For the foregoing reasons, I allow the above mentioned writ petitions. The orders of regularization passed by the respondents regularising the petitioners to Class IV (Group D) posts are modified. The respondent State is directed to regularise the services of the petitioners to Class III posts w.e.f. the date when similarly placed employees were regularised or from the date they were regularised to Class IV post. The admissible benefits arising on account of regularisation of the petitioners from the respective dates shall be reassessed by the respondents and shall be released to the petitioners.

27 Let the necessary exercise be undertaken by the respondents within a period of 03 months from the date of receipt of certified copy of this order.

28 At this juncture, this Court also records a parting remark. It is noticed by this Court that the State generally tends to raise frivolous objections amounting to refusal to acknowledge the acceptance and applicability of the judgments passed by the Hon'ble Supreme Court. Such an attempt by the State reflects that it does not intend to comply with the judgments. Such acts deserve imposition of harsh penalties against the respondent State. This Court was hence inclined to impose a cost of Rs.50,000/- payable to each of the petitioners who have been forced to undergo the litigation which was wholly unwarranted at the first instance

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itself. However, this Court restrains itself from imposing such costs. The respondent State is advised to examine the matter holistically, in terms of the judgments that have already been passed and have attained finality w.r.t. their applicability.

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CM-4463-CWP-2024 in CWP-5197-2000

29 Since the main writ petitions itself have been disposed of, learned counsel for the petitioner(s) does not press the instant applications.

30 Present misc. applications are accordingly disposed of as not pressed.

31 Any other pending misc. application(s), if any, in any of the afore-mentioned writ petitions, shall also stand(s) disposed of accordingly.

April 05, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	<i>: Yes/No</i>
<i>Whether reportable</i>	<i>: Yes/No</i>