



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

101

**CWP-5996-1999 (O&M)  
Decided on :08.04.2025**

BALJINDER SINGH &amp; ORS.

. .Petitioner

Versus

PUNJAB FINANCIAL CORPORATION AND ANR.

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

PRESENT: Ms. Ekta Thakur, Advocate with  
Ms. Aditi Singh Rana, Advocate and  
Ms. Shikha, Advocate for the petitioner.

Mr. Shailesh Aggarwal, Advocate and  
Ms. Nikita, Advocate for respondent No. 1.

Mr. TPS Chawla, Sr. DAG, Punjab.

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**HARSIMRAN SINGH SETHI , J. (Oral)**

1. In the present petition, the grievance being raised by the petitioners is that the petitioners are working with the respondents-Corporation on the post of Chowkidar for the last 35 years but their services have not been regularized only on the ground that the petitioners are appointed on the post of Chowkidar only on work charge basis to look after the property which has been seized by the respondent-Corporation and as and when the same is auctioned or is reverted back to the owner, the duties entrusted to the petitioners comes to end.

2. Learned counsel for the respondents submits that the similar



issue was raised by the Similarly situated employees before this Court by filing CWP NO. 6571 of 2000 wherein, vide order dated 18.04.2001, the prayer of the employees was rejected, which judgment has already been upheld by Division Bench in Letters patent Appeal No. 1946 of 2001 and even the SLP filed before by the Hon'ble Supreme Court of India being SLP No. 3884 of 2007 has also been dismissed vide order dated 16.08.2017 (Annexure R-1/4) . Hence, the petitioners cannot be granted the benefit of regularization of services.

3. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

4. It is conceded fact that the petitioners are working with the respondents-corporation for the last 35 years. Though, it is mentioned that the petitioners are only performing the duties qua the properties which are being seized by the respondents-corporation, but nothing has come on record that as and when the said properties were disposed of in any manner, the services of the such petitioners were terminated by the respondents to be appointed again.

5. Further, as of now, not even a single termination order has been passed by the respondents-department for terminating the services of the petitioners has been brought on record . It may be noticed that after the filing of the present petition, the petitioners are performing duties continuously on the post of Chowkidar under the interim orders of the Court.

6. Further, the plea has been taken by the respondents that the similar writ petition i.e. CWP-6571-2000 has already been dismissed by this Court, which judgment has been upheld upto the Hon'ble Supreme Court of India. It may be noticed that the law with regard to the regularization of service of employee who has rendered a decade of service, as laid down in



the judgment of the Constitution Bench passed in *Secretary, State of Karnataka and others Vs. Uma Devi, 2006 (4) SCC 1* has been further elaborated by the Hon'ble Supreme Court of India.

7. Further, the same issue with regard to the regularization of various part time employees as well as temporary employees, who had sufficiently long service to their credit came up for consideration before the Hon'ble Supreme Court of India in *Civil Appeal No. 14831 of 2024 titled 'Jaggo Vs. Union of India', decided on 20.12.2024* wherein by placing reliance upon the judgment in *Uma Devi's case (supra)*, the Hon'ble Supreme Court of India has held that wherever an employee completes 10 years of service, his/her services should be regularized so as to avoid any prejudice to the workman. The relevant paragraph of the said judgment is as under:

*“xxx 20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly “irregular,” and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a*



*scenario demanding fair regularization. In a recent judgement of this Court in Vinod Kumar and Ors. Etc. Vs. Union of India & Ors.<sup>5</sup>, it was held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed "temporary" but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgement have been reproduced below:*

*“6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).*

*7. The judgement in the case Uma Devi (supra) also distinguished between “irregular” and “illegal”*



*appointments underscoring the importance of considering certain appointments [2024] 1 S.C.R. 1230 even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case...” xxx*

26. *While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between “illegal” and “irregular” appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit*



*acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.*

*27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.”*

8. The said question of regularization of the services of an employee again came up for consideration before the Hon’ble Supreme Court of India in **Civil Appeal No. 8158-7179 of 2024 titled as Shripal and another Vs. Nagar Nigam, Ghaziabad, decided on 31.01.2025,** where non regularization of the services of an employee who had completed more than



20 years of service has been treated as arbitrary and illegal and has been described as exploitation. The relevant paragraphs of the said judgment are as under :

*“xxx 18. The impugned order of the High Court, to the extent they confine the Appellant Workmen to future daily-wage engagement without continuity or meaningful back wages, is hereby set aside with the following directions:*

*I. The discontinuation of the Appellant Workmen’s services, effected without compliance with Section 6E and Section 6N of the U.P. Industrial Disputes Act, 1947, is declared illegal. All orders or communications terminating their services are quashed. In consequence, the Appellant Workmen shall be treated as continuing in service from the date of their termination, for all purposes, including seniority and continuity in service.*

*II. The Respondent Employer shall reinstate the Appellant Workmen in their respective posts (or posts akin to the duties they previously performed) within four weeks from the date of this judgment. Their entire period of absence (from the date of termination until actual reinstatement) shall be counted for continuity of service and all consequential benefits, such as seniority and eligibility for promotions, if any.*

*III. Considering the length of service, the Appellant Workmen shall be entitled to 50% of the back wages from the date of their discontinuation until their actual reinstatement. The Respondent Employer shall clear the aforesaid dues within three months from the date of their reinstatement.*



*IV. The Respondent Employer is directed to initiate a fair and transparent process for regularizing the Appellant Workmen within six months from the date of reinstatement, duly considering the fact that they have performed perennial municipal duties akin to permanent posts.*

*In assessing regularization, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never applied to the Appellant Workmen or to similarly situated regular employees in the past. To the extent that sanctioned vacancies for such duties exist or are required, the Respondent Employer shall expedite all necessary administrative processes to ensure these longtime employees are not indefinitely retained on daily wages contrary to statutory and equitable norms.”*

9. Apart from this, the question of law as to whether an employee who has performed the duties for more than two decades is entitled for benefit of regularization of his/her services and consequential benefits or not, was considered by the Hon’ble Supreme Court of India while passing judgment in **Civil Appeal No.6798 of 2019 titled “Prem Singh Vs. State of Uttar Pradesh and ors.”, decided on 02.09.2019.** wherein, the Hon’ble Supreme Court of India has held that even where an employee who has retired/superannuated without his/her services being regularized after rendering the services of more than two decades, such employees are to be treated as regular employees for the grant of pensionary benefits. The relevant paragraphs of the said judgment is as under:-

“35. There are some of the employees who have not been regularised in spite of having rendered the services for 30-40 or more years



whereas they have been superannuated. As they have worked in the work-charged establishment, not against any particular project, there services ought to have been regularised under the Government instructions and even as per the decision of this Court in Secretary, State of Karnataka & Ors. Vs. Uma Devi 2006 (4) SCC 1. This Court in the said decision has laid down that in case services have been rendered for more than 10 years without the cover of the Court's order, those employees who have worked for ten years or more should have been regularised. It would not be proper to regulate them for consideration of **regularisation** as others have been regularised. It would not be proper to regulate them for consideration of **regularisation** as others have been regularised, we direct that their services be treated as a regular one. However, it is made clear that they shall not be entitled to claiming any dues of difference in wages had they been continued in services regularly before attaining the age of superannuation. They shall be entitled to receive the pension as if they have retired from the regular establishment and the services rendered by them right from the day they entered the work-charged establishment shall be counted as qualifying service for the purpose of pension."

10. Hence, after the decision in the earlier similar writ petition i.e. CWP No. 6571 of 2000, the law has undergone a significant change and keeping in view the recent judgments of Hon'ble Supreme Court of India, in **Prem Singh's case (supra) and Jaggo's case (supra)** as well as **Shripal's case (Supra)**, an employee who has worked for more than one decade of service, he/she is entitled for the benefit of regularization of his/her services. Hence, the petitioners have full right to seek regularization of their services.

11. At this stage, learned counsel for the respondents submits that



there is no regular post of Chowkidar with the respondents-department and hence, the services of the petitioner cannot be regularized. It may be noticed that in case, the petitioners have worked for more than 35 years, it cannot be said that the work of the post of the Chowkidar does not exist with the respondents-department. Merely, that the respondents are not creating the post of Chowkidar so as to grant the benefit to an employee, the benefit admissible to an employee otherwise cannot be declined on the said ground. Keeping in view the fact that the petitioners are discharging their duties from the last 35 years, it is deemed that there is a continuous work of the post of the Chowkidar and the said post is deemed to be a regular post for consideration of the claim of the petitioners.

12. Keeping in view the facts and circumstances of the present case, **the present writ petition is allowed** with the direction to the respondents to consider the claim of the petitioners for regularization of their services keeping in view the observation made by the Hon'ble Supreme Court of India in **Prem Singh's case (supra) and Jaggo's case (supra)** and if the claim is covered, relief be granted.

13. Let the present order be complied with within a period of 8 weeks from the receipt of copy of this order.

14. A photocopy of this order be placed on the file of connected case.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**08.04.2025**

*Riya*

*Whether speaking/reasoned:*      *Yes/No*  
*Whether Reportable:*                *Yes/No*