



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

CWP-6702-1998

Reserved on: 03.09.2025

Pronounced on: 15.09.2025

Amarjit Singh

...Petitioner

Versus

Haryana Urban Development Authority and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. K.L Arora, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Additional A.G, Haryana.

Mr. Vishal Garg, Advocate,
For the respondent - HUDA**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ of *certiorari*, *mandamus* or any other appropriate writ, order or direction commanding the respondents to regularize the services of the petitioner on the post of Water Pump Operator (hereinafter W.P.O) and for the release of the scale of ITI qualified persons as per instructions (Annexure P-3).

2. Brief facts of the case is that the petitioner who is 1986 ITI qualified individual, came to service of the respondent as helper road roller on daily wage basis from 01.04.1988 and worked with the respondents till 31.12.1990. Further the petitioner has been made to work as W.P.O a class III post from 01.01.1991 till date. The petitioner was regularized from 03.08.1993 on class IV post with the pay scale of 750-940, but was performing the duties of W.P.O itself. An instruction dated 23.08.1990 (Annexure P-3) of the



government up-scaled the pay of the ITI qualified individuals to 1200 - 2040 from 01.05.1990.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is completely qualified for the post of W.P.O as he is Matric+B.A.+2 Years ITI qualified who has been performing the duties of W.P.O since 1991 (Annexure P-2). The post of W.P.O is a class III post in the scale of 950 - 1500 which was subsequently upgraded to scale of 1200 - 2040 for ITI qualified individuals. Further, the petitioner was regularized on class IV from 03.08.1993 with scale of 750-940, though he had been performing duties of W.P.O(a class III post) from January 1991. Learned counsel relies on the judgments of Division Bench of this court passed in CWP 811 of 1996 and CWP 2194 of 1997 wherein two similarly situated employees who were working as a W.P.O were regularized on class IV, to which the court directed the respondents to regularize them as class III as they were performing the duties of class III post of WPO since several years before regularization.

4. Learned Counsel for the respondent could not controvert to the fact that the petitioner was performing the duties of W.P.O since 1991 and discharging the same duties even after regularization.

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

6. The issue involved in the present case is no longer *res integra*, having been conclusively settled by a Division Bench of this court in ***Randhir Singh vs. Haryana Urban Development Authority and Others CWP No. 811 of 1996*** which made the following observations,

“Since the petitioner was allowed to discharge the duties as water pump operator for a number of years prior to August 3, 1993, we do not find any justification for placing him in a lower cadre in which he is working



as a daily rated employee. While the petitioner was working as a Water Pump Operator, his services are regularised. That regularisation must be as Water Pump Operator”

7. Further reliance may be placed on ***Sushil Kumar and others vs. Haryana Urban Development Authority and others CWP 2194 of 1997***, which made the following observation:-

“The sole grievance of the petitioner is that though they had been performing the job of Water Pump Operators yet they have been regularised as Beldar/Chowkidars, a class IV post.

*Similar matter came up for consideration in Civil Writ Petition No.811 of 1996 and the Division Bench of this Court by Judgment dated 25.9.1996 held that **as the petitioner was performing the duties of a Water Pump Operator for a number of years prior to his regularisation in service on August 3, 1993, i.e. the date on which his services were regularised, he must be regularised as Water Pump Operator.**”*
(emphasis added)

8. The petitioner in the present case is on better footing than the petitioner in ***Randhir Singh vs. Haryana Urban Development Authority and Others CWP No. 811 of 1996***, as the petitioner in CWP No. 811 of 1996 was only matriculation qualified and he does not fulfill the eligibility criteria for W.P.O which is matric+ITI qualified, yet he was given the relief.

9. The petitioner was not only discharging duties of W.P.O since 1991 but was also eligible for the post being matric and ITI qualified. Longstanding discharge of duties in a higher post cannot be brushed aside when it comes to regularization or pay determination. After extracting services of a higher post for years, denying regularization in that post is arbitrary and unjust.

10. Essential elements of the issue involved in the present case are as under,

- a. It is undisputed that the petitioner had been performing the duties of W.P.O a class III post since 1991, approx. 3 years before his regularisation on 03.08.1993 on class IV post.



b. It is undisputed that the petitioner is a Matric+B.A.+2 Years ITI qualified individual and that the instruction dated 23.08.1990 (Annexure P-3) up-scaled the scale for Matric with I.T.I certificate/ Polytechnic individuals to 1200 - 2040.

11. The petitioner in the present case has also been regularized w.e.f 03.08.1993. There was no reason not to regularize the petitioner as WPO being Class III post.

12. In view of the findings from the discussions above, the petition is allowed and the respondents are directed to regularize the services of the petitioner as Water Pump Operator w.e.f. 03.08.1993, the date he was regularized on class IV post. Consequently the scale as admissible to the class III employees in accordance to the instruction dated 23.01.1990, be given to the petitioner besides the arrears of pay from the date of regularization, within 3 months of receiving a copy of this order.

(HARPREET SINGH BRAR)
JUDGE

15.09.2025

Neha

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