

2025:PHHC:124959



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

**CWP-6843-2020 (O&M)
DECIDED ON: 09.09.2025**

HARBHAJAN SINGH AND OTHERS**.....PETITIONERS****VERSUS****BHAKRA BEAS MANAGEMENT BOARD AND OTHERS****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Ajaivir Singh, Advocate
for the petitioners

Mr. Sachin Mittal, Advocate and
Mr. Arnav Mittal, Advocate for the respondents

SANDEEP MOUDGIL, J (ORAL)***1. Prayer***

The petitioners through the instant petition under Article 226/227 of the Constitution of India are seeking setting aside of order dated 02.05.2019 (Annexure P-6), passed by respondent whereby claim of the petitioners seeking regularization has been rejected.

2. Brief Facts

The petitioners have been continuously working as Daily Wagers with the Bhakra Beas Management Board (BBMB), Pong Dam Division, since 1989, performing duties similar to those of regular employees for over three decades. They have been assigned Contributory Provident Fund (CPF) account numbers, with regular deductions being made from their wages, indicating formal recognition of their long-standing service.

The State of Punjab has issued various policy circulars (dated 26.05.2003, 21.03.2011, and 11.05.2012) for regularization of ad hoc, daily wage, and other similarly engaged employees. Additionally, the Punjab Adhoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016 (hereinafter 2016 Act), mandates regularization of employees who have served continuously for at least three years prior to the Act's enforcement.

Despite being eligible under these policies and the 2016 Act, the petitioners' claims for regularization were rejected by the respondent through speaking orders passed after prior directions of this Court in earlier rounds of litigation. The petitioners challenge these rejections as arbitrary, discriminatory, and contrary to law, asserting that the BBMB is bound by the Punjab Government's instructions under the Bhakra Beas Management Board Rules, 1974, and that their continuous service entitles them to regularization along with all consequential benefits.

3. Contentions:

On behalf of the Petitioner:

Learned counsel for the petitioners contends that the petitioners have been rendering continuous and uninterrupted service with the BBMB Rules 1989, discharging duties identical to those of regular employees. It was argued that the petitioners' engagement over such a prolonged period, spanning more than three decades cannot be treated as purely casual or temporary in nature, particularly when their services have been systematically utilized and CPF deductions have been made, thereby indicating official acknowledgment of their status.

The counsel submitted that the Government of Punjab has, from time to time, issued binding policy instructions dated 26.05.2003, 21.03.2011, and

11.05.2012, which provide for the regularization of daily wage and ad hoc employees who meet the prescribed conditions. In addition, the 2016 Act, which came into force on 24.12.2016, mandates consideration for regularization of employees who have rendered at least three years of continuous service preceding the date of enforcement. It was emphasized that the petitioners clearly fall within the ambit of these beneficial policies and legislation.

It was further strongly argued that in light of Rule 6 of the Bhakra Beas Management Board Rules, 1974, the instructions and rules issued by the State of Punjab are applicable to BBMB employees. Therefore, the respondent cannot arbitrarily disregard the regularization policies or the 2016 Act on the ground of being under Central Government control. Furthermore, the Board possesses the power to relax conditions such as age and qualification in cases of hardship, and the petitioners' case squarely merits such relaxation, considering their decades of service.

The counsel for the petitioner placed reliance on the Supreme Court judgment in *State of Karnataka v. Uma Devi (2006) 4 SCC 1*, highlighting that while discouraging regularization of irregular appointees, carved out an exception for long-serving employees who have rendered more than 10 years of continuous service without interruption. In this context, it was submitted that the policy dated 11.05.2012 issued by the State of Punjab, implementing this one-time relaxation, is squarely applicable to the petitioners.

On behalf of the Respondent:

Per contra, learned counsel for the respondents at the outset submits that the petitioners do not fulfill the eligibility criteria laid down under the applicable regularization policies of the State of Punjab. The copy of details of

numbers of work days of daily wage workers of Pong Dam Division, BBMB, and Talwara Township is attached as Annexure R-4. The perusal of this list clearly established that none of the petitioners fulfill the conditions of the above said regularization policies. As such their claims for regularizations were not accepted by the respondents.

The respondents further contends that the BBMB is a statutory body under the control of the Central Government, and hence, the policies or legislation of the State of Punjab, including the 2016 Act, are not automatically applicable to it. It was emphasized that the petitioners were never appointed through any sanctioned or regular recruitment process, and as such, have no legal right to seek regularization.

Lastly, it is argued that the regularization of services in violation of the applicable rules would amount to backdoor entry into public service, and the petitioners, having failed to meet the policy conditions, are not entitled to any relief.

4. Analysis

Heard learned counsel for the respective parties.

Law, in its finest expression, is not a rigid instrument but a compassionate force that must respond to the human condition. The petitioners before this Court are not faceless names in a file but human beings who have served a public institution with diligence and dignity for over three decades. To ignore this fact is to make justice blind to lived realities.

This Court cannot ignore the fact that the record reveals that the petitioners have been continuously engaged as daily wage workers with the Bhakra Beas Management Board (BBMB) since as early as 1989. Through sun and storm, they have discharged duties akin to those of permanent employees,

these duties being regular in nature, continuous in execution, and essential to the functioning of the institution. The law must see through the veil of nomenclature and acknowledge the substance of the relationship and to call such service “casual” is not only factually untenable but morally unjust.

Public employment, when prolonged and uninterrupted, must be met with the fairness of due recognition. These petitioners have not merely worked but have endured and continue to receive meagre wages after decades of service. This is a stark reminder of the systemic inequity that daily wage workers suffer often under the garb of technicalities and institutional inaction.

This Court is of the considerate opinion that the respondent’s rejection of their claims, through the impugned order dated 02.05.2019, ignores the humane jurisprudence laid down by the Supreme Court in “***State of Karnataka v. Uma Devi (2006) 4 SCC 1***”, wherein, while guarding against indiscriminate regularization the apex court made a solemn exception for those who have served the State continuously for over ten years without break in an attempt to protect them from the injustice of discrimination. This exception was not a loophole but was created to preserve the conscience of law.

Dealing with another contention raised by the respondent, this court is of the view that to reject the applicability of State Government’s instructions solely on the ground that BBMB falls under the control of the Central Government is erroneous. Rule 6 of the BBMB Rules, 1974, clearly envisages the application of State Government instructions, thus creating a statutory bridge between the State's welfare policies and the employees of the Board. The statutory provision has been reproduced as below:

*6. Powers and functions of the Board in certain matters
The powers and functions of the Board in relation to technical sanction, administrative approval, other sanctions required for the works,*

establishment, and for contingent expenditure shall be, so far as may be, those of a State Government under the codes, rules, manuals, orders, regulations and the like specified in Schedule 1 as in force in the State of Punjab (Amendment as per Annexure V).

This Court also finds support in the judgment of this Court in “**Ram Lal v. BBMB**”, **CWP No. 23311 of 2017**, wherein the same respondent was directed to regularize similarly situated employees while holding that BBMB cannot insulate itself from the beneficial provisions of the 2016 Act or the regularization policies of the State of Punjab, especially when Rule 6 of its own governing regulations contemplates their applicability.

Accordingly, the principles laid down in **Ram Lal’s case (supra)** are squarely applicable to the present case at hand, and this Court finds no justification for departing from them.

5. Conclusion

In view of the above discussion, we are of the opinion that equity must not be a casualty in the hands of executive convenience and the Article 14 of Constitution of India not only demands equality before law but also fairness in state action and this fairness, in its simplest form, demands that those who have given a lifetime to public service not be left stranded in their twilight years with nothing but hope.

Thus, the present petition is hereby allowed.

(SANDEEP MOUDGIL)
JUDGE

09.09.2025
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Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No