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

CWP-8434-2020

Date of decision: 27.11.2025

Naresh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashok Kaushik, Advocate
for the petitioner.

Mr. Prateek Mahajan, Advocate and
Ms. Prerna Malhotra, Advocate
for respondent No.2.

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 in the nature of *mandamus* directing the respondents to regularize the services of the petitioner as electrician/driver as per regularisation policy of 2003 dated 01.10.2003 and subsequently amended thereto dated 10.02.2004, on the date since his similar junior employees were regularized with all consequential benefits.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was initially appointed on 08.02.1996 as contractual employee, however, his service was dispensed with and he was again reinstated on 29.07.2002 in terms of the award passed by the Labour Court. The petitioner is regularly working since the year 2002. The petitioner is neither a part time employee nor engaged as a casual labourer. The respondents are extracting perennial work at par with the regular employees and as such, by relying upon



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the judgment of the Division Bench of this Court in CWP No.17206 of 2014 titled as 'Yogesh Tyagi and another Vs. State of Haryana and others' decided on 31.05.2018, they cannot deny the benefit of regularisation. Further, the petitioner is entitled to regularisation in terms of the recent judgments rendered by the Hon'ble Supreme Court in 'Jaggo v. Union of India and others' 2025 AIR SC 296 and 'Dharam Singh and Others v. State of U.P. and Another' 2025 SCC OnLine SC 1735.

3. Per contra, learned counsel for respondent No.2 is not in a position to controvert the fact that the petitioner is working in the respondent-Corporation since his reinstatement on 29.07.2002 and he was neither a part time employee nor engaged as a casual labourer.

4. Having heard learned counsel for the parties and on perusal of the record, it transpires that the petitioner has been continuously serving with the respondent-Corporation since his reinstatement in 2002 and he is performing duties identical to those of regular employees. It is not disputed by the respondents that the petitioner is neither a part-time worker nor a casual labourer. Further, in view of the above cited judgments in ***Jaggo's case (supra)*** and ***Dharam Singh's case (supra)***, denial of regularisation to the petitioner, despite similarly situated juniors having been regularised is arbitrary and violative of Articles 14 and 16 of the Constitution of India.

5. This Court has been constrained to observe a trend where long term employees are engaged on ad hoc basis, in spite of the perennial nature of the services rendered by them. The State, being a constitutional employer, cannot be allowed to exploit its temporary employees under the garb of lack of



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sanctioned posts or inability of the employees to meet educational qualifications for regular posts, when they have been consistently serving its instrumentality for a significant time period. Such an approach would be violative of fundamental rights of the temporary employees enshrined in Articles 14, 16 and 21 of the Constitution of India. Further still, temporary employees cannot be forced to bear the brunt of lack of financial resources when the State had no qualms about continuously taking advantage of the services rendered with regard to integral and recurring work of the concerned department. Reliance in this regard can be placed on the judgments rendered by the Hon'ble Supreme Court in ***Jaggo's case (supra)***, ***Vinod Kumar and others v. Union of India (2024) 1 SCR 1230 and Shripal & Anr. v. Nagar Nigam, Ghaziabad 2025 SCC OnLine SC 221.***

6. A Two-Judge Bench of the Hon'ble Supreme Court in ***Dharam Singh's case (supra)*** speaking through Justice Vikram Nath has held as follows:

“11. Furthermore, it must be clarified that the reliance placed by the High Court on Umadevi (Supra) to non-suit the appellants is misplaced. Unlike Umadevi (Supra), the challenge before us is not an invitation to bypass the constitutional scheme of public employment. It is a challenge to the State's arbitrary refusals to sanction posts despite the employer's own acknowledgement of need and decades of continuous reliance on the very workforce. On the other hand, Umadevi (Supra) draws a distinction between illegal appointments and irregular engagements and does not endorse the perpetuation of precarious employment where the work itself is permanent and the State has failed, for years, to put its house in order. Recent decisions of this Court in Jaggo v. Union of India and in Shripal v. Nagar Nigam, Ghaziabad have emphatically cautioned that Umadevi (Supra) cannot be deployed as a shield to justify exploitation through long-term “ad hocism”, the use of outsourcing as a proxy, or the denial of basic parity



where identical duties are exacted over extended periods. The principles articulated therein apply with full force to the present case....

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13. As we have observed in both Jaggo (Supra) and Shripal (Supra), outsourcing cannot become a convenient shield to perpetuate precariousness and to sidestep fair engagement practices where the work is inherently perennial. The Commission's further contention that the appellants are not "full-time" employees but continue only by virtue of interim orders also does not advance their case. That interim protection was granted precisely because of the long history of engagement and the pendency of the challenge to the State's refusals. It neither creates rights that did not exist nor erases entitlements that may arise upon a proper adjudication of the legality of those refusals.

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17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and of ends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running." (Emphasis supplied)



7. It also appears that both the States of Punjab and Haryana tend to formulate policies in order to circumvent implementation of judgments rendered by the Constitutional Courts. More often than not, the claim for regularization is neither accepted nor denied and the applicant is kept in limbo unnecessarily. The extended ad-hocism of keeping daily wage workers or contractual employees on temporary rolls for decades while extracting regular work is not only unconstitutional but undermines equality and dignity. The State and its instrumentalities being model employer can't perpetuate such exploitation and use excuses like financial constraints, non availability of sanctioned post, and lack of qualification or decision in the judgment rendered by the Hon'ble Supreme Court in *State of Karnataka v. Umadevi (2006) 4 SCC 1* as talisman to deny well deserved regularization on account of their perennial nature of long periods of work at par with their counterparts working on regular posts. Reference in this regard can also be made to the judgment rendered by the Hon'ble Supreme Court in *Nihal Singh v. State of Punjab, (2013) 14 SCC 65*, a Division Bench of this Court in *State of Punjab and others v. Sarwan Ram, 2025 NCPHHC 65364* as well as a Co-ordinate bench in *Amrish Sharma and others vs. State of Punjab and others* in *CWP-19238-2013* decided on 26.02.2024.

8. In the wake of above discussion and findings, this Court is of the considered opinion that the present petition deserves to be allowed. The respondents are directed to regularize the service of the petitioner within six weeks from today. If no order of regularization is passed within 6 weeks from today, he shall be deemed to be regularized. The petitioner shall be entitled to



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counting of past service and other benefits as per judgments rendered by this Court in *Harbans Lal v. State of Punjab, CWP No.2371 of 2010* and *State of Haryana and others v. Jai Bhagwan, LPA No.1892 of 2019*.

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

(HARPREET SINGH BRAR)
JUDGE

27.11.2025
Neha

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