

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10953-2021 (O&M)

Decided on 08.10.2025

Maya Ram & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhishek Bansal, Advocate for the petitioners

Mr. Sushil Bhardwaj, Addl. AG Haryana

Sandeep Moudgil, J.

CM-14800-CWP-2022

For the reasons mentioned in the application, the same is allowed and Annexure P27 is taken on record subject all just exceptions.

CM stands disposed of.

Main case

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents to regularize the services of the petitioners as Asstt. Pump Operator/Water Pump Operator-II i.e. on Class-III post in accordance with the regularization policies dated 27.05.1993, 07.03.1996 and 18.03.1996 (Annexure P-1, P-2 & P-3, respectively), in view of decision of Coordinate Bench of this Court rendered in CWP No.17974 of 1999 titled as Anil Puri and another Vs. State of Haryana and others decided on 26.09.2000 (Annexure P-5) and CWP No.19708 of 1998 titled as Tej Parkash Gaur and another Vs. State of Haryana and others decided on 14.09.1999 (Annexure P-6) which has

since attained finality in SLP (C) No.6290 of 2001 decided on 23.10.2002 (Annexure P-7).

(2). Learned counsel for the petitioners submit that the State of Haryana has consistently framed policies (Annexures P-1, P-2, and P-3) to regularize the services of its daily wage employees who have faithfully rendered long-term service in Class-III and Class-IV posts, viz. Water Pump Operator-II and Assistant Pump Operator wherein it has been provided that daily wage employees with requisite length of service and necessary qualifications, however, notwithstanding the fact that the petitioners have been continuously serving on Class-III posts since their initial appointment, the respondents have arbitrarily chosen to regularize them as Class-IV employees such as Pump Attendant, Petrol Man, or MCC. It is submitted that the petitioners, at any time, neither held nor ever discharged duties upon on the posts they were regularized.

(3). It is urged that prior to November 1998, no qualifications were prescribed for the posts of Water Pump Operator-II or allied mechanical posts and the rules imposing such qualifications came into operation only on 24.11.1998 and the action of the respondent in imposition of fresh criteria retrospectively to the disadvantage of the petitioners is wholly unwarranted inasmuch as their case for regularization ought to be considered in light of the qualifications prevailing at the time of their initial appointments. The petitioners made several representations followed by legal notice dated 05.02.2020 to the respondents but in vain.

(4). Learned counsel further submitted that similarly situated employees who were initially appointed and continuously working as Assistant

Pump Operators approached this Court in CWP No. 15051 of 1995 and CWP No. 17974 of 1999 and the Coordinate Bench of this Court directed regularization of the writ petitioners in the same Class-III posts. He then submits that these judicial pronouncements have not only attained finality, having been upheld by the Supreme Court, but also laid down the ratio that employees who have worked continuously in Class-III posts and fulfilled eligibility under the relevant policies must be regularized on those posts instead of arbitrarily relegating to work on a lower posts. He further urged that petitioners herein are identically situated and possessing qualifications of Matriculation and ITI/National Trade Certificates (Annexures P-8A to P-8F) and even after their regularization they have been continuing to perform the work of Water Pump Operator-II and as such, the decision of the respondents to regularize their services in Class-IV posts, in contravention of State policy, established procedure, and the clear and binding precedents of this Hon'ble Court and Hon'ble Supreme Court, is wholly illegal, arbitrary, and discriminatory.

(5). On the other hand, learned State counsel submits that the present writ petition is liable to be dismissed for want of merit, delay, and lack of prescribed qualifications. Out of five petitioners, only two i.e. petitioners No.1 & 4 were initially engaged against Class-III posts and three i.e. petitioners No.2, 3 & 5 were engaged against Class-IV posts on daily wage basis and at the time of initial engagement, none of the petitioners possessed the requisite technical qualifications for appointment to Class-III posts, such as Water Pump Operator-II and their educational credentials varied with only one person holding 10+2 qualification and some of them possessed Matriculation and

subsequently obtained ITI in disciplines which were not related to initial engagement, and others holding only Matriculation without any technical qualification at all. He further submits that the services of all petitioners were regularized between 1993 and 2003 inasmuch as it is settled law that only those who possess the prescribed qualification at the time of appointment or regularization can claim entitlement to a particular post whereas the petitioners did not possess the requisite technical certificate or experience when their services were considered for regularization.

(6). It is further averred that the petitioners' belated assertion of rights, some arising 18-24 years after their regularization, is barred by gross delay and laches. Reliance has been placed on CWP-17632-2013 (Gurbax Singh v. State of Haryana) decided on 13.02.2015 wherein it has been held that stale claims must be dismissed for delay and that exemplary costs be imposed in such cases. He then argued that the recruitment criteria for Pump Attendant and Water Pump Operator-II are distinct and non-comparable inasmuch as a Pump Attendant requires basic physical fitness, field test, and knowledge of Hindi/English whereas the Water Pump Operator-II is a technical post necessitating Matriculation, ITI in specified trades, five years' experience, and a field test. The nature of duties and responsibilities also differ substantially; Pump Attendant's role is auxiliary, falling under Class-IV, whereas Water Pump Operator-II independently operates pumps and falls under Class-III. He further submitted that there is no rule or departmental provision allowing conversion or regularization of Class-IV employees into Class-III posts without mandated qualifications.

(7). Heard learned counsel for the parties.

(8). Admittedly, it is demonstrated that petitioners No. 1 and 4 were initially engaged and continued to perform their duties on sanctioned Group 'C' posts i.e. Water Pump Operator-II/Assistant Pump Operator (WPO-II/APO). Their engagement, work allocations, and attendance have been continuously maintained in departmental registers and corroborated by official endorsements of the respondent-Department. In contrast, petitioners No. 2, 3, and 5 were engaged and have served on Group 'D' posts without evidence of substantive work on Group 'C' posts.

(9). It is evident petitioners No.2, 3 & 5 were initially appointed on daily wage as APO i.e. Class-IV post and thereafter, their services were regularized as Pump Attendant/Mali-cum-Chowkidar which too are Group D posts. The mandatory eligibility criteria require either an ITI certificate in the relevant mechanical field or, at the very least, the status of being literate with a minimum of five years' relevant field experience.

(10). The posts of WPO-II and Pump Attendant are distinct, for, the post of WPO-II is a technical post as compared to the functions of a Pump Attendant/MCC and thus, the latter falls in Group-IV category and that of the post of Water Pump Operator-II falls in Group-III category. It is undeniable that the candidate who is not having requisite qualification prescribed for a particular post, cannot be appointed to that post and that apart, in isolation of any rule providing for promotion of a Group-D employee to a higher post, this Court is not inclined to entertain the claim of the petitioners No.2, 3, & 5 on the ground that the at the time of their regularization, admittedly, they were working on a Group D post and therefore, they have been rightly regularized against Group D post.

(11). As regards petitioners No.1 & 4, it is an admitted fact that petitioners No.1 & 4 were initially appointed as WPO/WPO-II which is a Group C post, however, they were subsequently regularized as Pump Attendant which is a Group D post. It is also not disputed that they did not have the requisite number of years of service for being favourably considered under the policies. The contention of the respondents that the petitioners were not possessing the requisite qualification of ITI and were only matriculate has been adequately answered in case of **Dharam Pal & Anr.** (supra) wherein a Coordinate Bench of this Court in similar circumstances directed the respondents to regularize the services of the writ petitions to Class III posts w.e.f. the date when similarly placed employees were regularized or from the date they were regularized to Class IV post with admissible benefits by observing as under:-

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 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; 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."

(12). Thus, in view of the above discussions and circumstances along with the reasons assigned in **Dharam Pal & Anr.**, this writ petition is allowed qua petitioners No.1 & 4 only.

(13). Needless to say that the petitioners No.1&4 would be entitled to all consequential service/retiral benefits including pension etc. and the arrears thereof shall be disbursed with 6% p.a. interest, within a period of 2 months from the date of receipt of certified copy of this order. However, in respect of respondents No.2, 3 & 5, no case for interference is made out. This writ petition to that extent is dismissed for the reasons recorded above.

(14). Ordered accordingly.

08.10.2025
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No