



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115-52	CWP-8816-2025	
MANI RAM		PETITIONER
	VERSUS	
STATE OF HARYANA AND OTHERS		RESPONDENTS
115-46	CWP-23983-2024	
SUBE SINGH		PETITIONER
	VERSUS	
STATE OF HARYANA AND OTHERS		RESPONDENTS
115-44	CWP-21933-2024	
RAJESH KUMAR		PETITIONER
	VERSUS	
STATE OF HARYANA AND OTHERS		RESPONDENTS
115-50	CWP-28279-2024	
VED PARKASH		PETITIONER
	VERSUS	
STATE OF HARYANA AND OTHERS		RESPONDENTS
115-49	CWP-27947-2024	
PRITHVI SINGH		PETITIONER
	VERSUS	
STATE OF HARYANA AND OTHERS		RESPONDENTS



115-48

CWP-25239-2024

BIMLA DEVI AND ANR.

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

115-47

CWP-25091-2024

LILLU RAM

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

1.	The date when the judgment is reserved	19.12.2025
2.	The date when the judgment is pronounced	23.12.2025
3.	The date when the judgment is uploaded	24.12.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Not applicable

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Nihal S. Choudhary, Advocate with
Ms. Anita S. Choudhary, Advocate
for the petitioner(s).

Mr. Deepak Balyan, Addl. A.G., Haryana.
Mr. R.D. Sharma, DAG, Haryana.
Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Vide this common order, this Court shall dispose of above mentioned writ petitions as common question of law is involved therein.



2. For the sake of convenience, the facts are being taken from CWP-8816-2025.

3. By way of the writ petition bearing CWP No.8816-2025 petitioner namely Mr. Mani Ram is seeking quashing of impugned order dated 16.08.2024 (Annexure P-10) passed by respondent no. 3 vide which the claim of the petitioner for antedated regularization from 01.10.2003 instead of 21.11.2014 has been rejected whereas similarly placed employees have been granted antedated regularization by the respondent pursuant to the directions of this court.

The conspectus of Facts:

4. The petitioner was engaged as a daily paid labourer (Class-IV) in the respondent-department in the year 1995 against a sanctioned and long-standing vacant post. Subsequently, his services were discontinued without notice, whereupon he raised an industrial dispute. The Labour Court, Hisar, by a reasoned award dated 16.02.2005 (Annexure P-1), held that the petitioner had completed more than 240 days of service, rejected the plea of abandonment, and directed reinstatement with continuity of service and consequential benefits along with 25% back wages. The said award attained finality, having never been challenged by the respondents.

5. Pursuant to the State policy dated 01.10.2003 (Annexure P-2) providing for regularization of Class-III and Class-IV employees, several similarly situated and much junior employees of the same department were regularized with effect from 01.10.2003 vide letter Endst. No. 3040 dated 29.04.2005 (Annexure P-3). Despite repeated representations, the petitioner was denied similar treatment



and was eventually regularized vide letter Endst. No. 4665661 dated 21.11.2014 (Annexure P-5) under a subsequent policy dated 18.06.2014.

6. The petitioner had sent a legal notice dated 26.08.2016 (Annexure P-7) and upon failure of the respondents in deciding the said legal notice, the petitioner alongwith other similarly situated employees approached this Court by way of petition bearing ***CWP-342 of 2019 titled as “Mani Ram vs. State of Haryana and Others”***, which was allowed vide order dated 27.02.2020 (Annexure P-8) and the services of the petitioner were ordered to be regularized w.e.f 01.10.2003 or from the date the service of junior to him has been regularized with all consequential service benefits alongwith 6% interest. Even after specific directions given by a co-ordinate Bench of this Court, the respondent-department rejected the claim of the petitioner alongwith others. His claim for ante-dated regularization from 01.10.2003, based on parity with juniors, the final Labour Court award, and binding judgments of this Court, was rejected by the impugned order dated 16.08.2024, giving rise to the present writ petition.

Contentions:

On behalf of the petitioner:

7. Learned counsel for the petitioner contends that the impugned order dated 16.08.2024 (Annexure P-10) is *ex facie* illegal and unsustainable as it seeks to reopen an issue which already stands conclusively adjudicated by the Labour Court, Hisar, vide award dated 16.02.2005 (Annexure P-1). It is urged that the Labour Court, after examining the attendance record and evidence on record, recorded a categorical finding that the petitioner had completed more than 240 days of service and was entitled to continuity of service. The said award having



attained finality now the respondent-department is estopped from disputing the completion of 240 days or treating the petitioner as ineligible under the policy dated 01.10.2003.

8. It is further contended that the petitioner was fully eligible for regularization under the policy dated 01.10.2003 (Annexure P-2), yet he was arbitrarily denied the benefit, whereas similarly situated and admittedly much junior employees of the same department were regularized with effect from 01.10.2003, vide letter Endst. No. 3040 dated 29.04.2005 (Annexure P-3). It is argued that such denial amounts to hostile discrimination and violates Articles 14 and 16 of the Constitution of India, particularly when the petitioner stood on a stronger footing due to the binding judicial declaration in his favour.

9. The counsel has further argued that the reliance placed by the respondents on the judgment in *State of Karnataka v. Uma Devi (2006) 4 SCC 1* is wholly misconceived as the petitioner is not seeking regularization through the backdoor but enforcement of a pre-existing regularization policy, coupled with parity and a final adjudication of his service status.

10. It is also contended that the issue stands squarely covered by a consistent line of judgments of this Court, including *CWP- 14310-2019 “Birbhan and others v. State of Haryana” dated 27.02.2020 (Annexure P-11)*, *CWP- 16351-2012 “Bhim Singh and others v. State of Haryana and connected matters” dated 30.07.2015*, which have been affirmed up to the Letters Patent Appeal stage and duly complied with by the respondents. The petitioner argues that once the department has implemented identical directions in favour of similarly situated employees, it cannot adopt a contrary stand in his case.



11. Lastly, it is submitted that the subsequent regularization of the petitioner in the year 2014 does not cure the illegality already committed, nor does it defeat his accrued and crystallized right to ante-dated regularization from 01.10.2003. The impugned order dated 16.08.2024 (Annexure P-10), being arbitrary, discriminatory and in teeth of settled law, is therefore liable to be quashed, with a consequential direction to grant the petitioner ante-dated regularization along with all attendant service benefits.

On behalf of the respondent

12. Learned counsel for the respondents submits that the present writ petition is misconceived and not maintainable, as the petitioner has already been regularized in service with effect from 01.07.2014 under the special regularization policy dated 18.06.2014 and the petitioner had duly accepted the said regularization without protest. It is contended that once the petitioner joined service pursuant to the regularization order, he is estopped from claiming regularization from an earlier date.

13. It is further contended that the petitioner was never eligible for regularization under the policy dated 01.10.2003, as he did not fulfill the essential condition of having completed three years of service with a minimum of 240 days in each calendar year without break. According to the respondents, the petitioner worked only intermittently as a Daily Paid Labourer during November 1996 to November 1997 and thereafter abandoned the job on his own volition. Hence, it is argued that the question of granting regularization from 01.10.2003 does not arise.

14. The respondents submit that the impugned order dated 16.08.2024 (Annexure P-10) is a reasoned and speaking order, passed strictly in compliance



with the directions issued by this Court in CWP-342-2019 on 22.05.2024, after reconsidering the petitioner's case in light of all applicable policies. It is argued that since the petitioner failed to satisfy the eligibility criteria under the policy dated 01.10.2003, his claim was rightly rejected.

15. Further, a reliance has been placed on the judgment of the Supreme Court in *Uma Devi (supra)*, to contend that no regularization can be granted in the absence of compliance with the constitutional scheme of public employment. It is asserted that pursuant to the said judgment, the State of Haryana withdrew all earlier regularization policies, including the policy dated 01.10.2003, vide letter dated 25.04.2007, and therefore no right survives in favour of the petitioner to seek regularization from an earlier date.

16. Otherwise also the petitioner cannot claim parity with other employees who were regularized earlier, as their cases stood on a different factual footing and were either finalized prior to the withdrawal of the policy or pursuant to specific judicial directions. According to the respondents, the judgments relied upon by the petitioner, including *Birbhan (supra) and Ashish Sharma & Others vs. State of Haryana and Ors., decided on 13.03.2024 in CWP-2158-2020*, are distinguishable on facts and do not automatically entitle the petitioner to identical relief.

17. Lastly, it is contended that this Court in *CWP No.17206 of 2014 titled as "Yogesh Tyagi & Another Versus State of Haryana & others decided on 31.05.2018* quashed the regularization policy of 18.06.2014 against which the State Government preferred SLP before the Supreme Court and interim relief of *status quo* has been granted while the SLP is still pending before the Supreme



Court of India. At this stage, the petitioner's position under the regularization policy cannot be altered.

18. It is argued that no fundamental or constitutional right of the petitioner has been infringed, and the present writ petition has been filed after an inordinate delay, merely to harass the department and reopen a settled issue. On these grounds, the respondents pray for dismissal of the writ petition with costs.

19. Heard counsel for both parties.

The lis and the issues :

Margin of appreciation and Judicial restraint

20. Judicial review in service jurisprudence is not confined to the margins of administrative discretion. Where State action results in unequal civil consequences, the Court is duty-bound to examine not merely the form but the substance of the decision-making process. The Supreme Court has repeatedly held that discretion in public employment is structured by constitutional discipline, and cannot be exercised to the detriment of equality.

21. In “*Maneka Gandhi v. Union of India (1978) 1 SCC 248*”, arbitrariness was held to be antithetical to the rule of law. Thus, where the State selectively applies a regularization policy, judicial review extends to correcting such constitutional aberrations. The impugned denial of ante-dated regularization, founded on re-opened facts and differential treatment, therefore squarely invites interference.



22. With this foundational principle, the Court now examines the facts of the present case and determines whether interference is justified. This court is faced with the following issues for determination in the present petition:

Core Issue for Determination

Whether an employee, whose continuity of service and completion of qualifying service stand conclusively affirmed by a final judicial award, can be denied ante-dated regularization under the applicable policy, despite the extension of such benefit to similarly situated and junior employees?

23. The fulcrum of the petitioner's challenge lies in a grave and manifest illegality on the part of the respondents. It is an admitted position that the services of the petitioner stand regularized pursuant to the order dated 16.08.2024 (Annexure P-10) passed by respondent no. 3 under the 21.11.2014 policy in view of the award of the Labour Court (Annexure P-1). Having accepted both the petitioner's eligibility and entitlement, the respondents could not, either in law or in equity, deny him the full benefit of regularization under the 01.10.2003 policy by selectively applying the later policy of 21.11.2014. Such conduct is ex facie arbitrary and strikes at the core of the constitutional guarantee of equality under Article 14 of Constitution of India.

Effect of the Labour Court Award

24. The Labour Court clearly directed reinstatement with continuity of service *vide* award dated 16.02.2005 (Annexure P-1), which was never challenged by the respondent attained finality thereby. This Labour Court's award, rendered after adjudication on evidence, conclusively affirmed that the petitioner had completed the requisite qualifying service and was entitled to continuity. This



judicial determination operates as a binding declaration of status, not merely for the purposes of reinstatement but for all incidental and consequential service benefits. This aspect has already been considered by this Court in ***CWP-11224-2015 titled Lekhu Raj V/s. State of Haryana and others*** that once the labourer has been given benefit of continuity of service by the Labour Court award, he is deemed to be in service from the date of termination till passing of award and then his case has to be considered as per the policy prevailing at that time.

25. Once continuity of service is granted, the law treats the employee as being in uninterrupted service for all relevant purposes. As a judicial order's finality declaring continuity is not an empty formality but carries substantive legal consequences. The respondents, therefore, are precluded from denying benefits that naturally flow from such continuity.

26. The attempt to question the completion of qualifying days in the impugned order constitutes a collateral challenge to a final adjudication, which the law does not permit. The sanctity of judicial finality would be eroded if administrative authorities are allowed to revisit settled findings under the guise of policy scrutiny.

Duty of the State

27. This court is of the opinion that the responsibility to identify, consider, and regularize eligible employees rested squarely upon the State. The failure of the respondents to discharge this obligation in a timely and lawful manner cannot now be used to the detriment of the petitioner. Administrative inaction or delay on the part of the State cannot be converted into a tool to deprive a workman of his



accrued and legitimate rights. To permit such a course would be to allow the State to take advantage of its own wrong, an outcome wholly impermissible in constitutional jurisprudence.

28. The petitioner belongs to the lowest rung of public employment working as a Class IV worker, who has rendered continuous service as a labourer since as far back as the year 1995. These are not abstract service rights but issues of livelihood, dignity, and social justice. To now deny the petitioner regularization from the 01.10.2003 (Annexure P-2), when the right to regularization accrued to him, on the specious ground that the policy has subsequently been withdrawn is not merely arbitrary but it is shocking to the conscience of the Court. The withdrawal of a policy cannot operate retrospectively to extinguish rights that had already accrued, particularly when the delay in granting regularization is solely attributable to the State.

29. The petitioner continuously worked since 1995. Thus, by 30.09.2003, the petitioner had already rendered more than eight years of service, far in excess of the minimum three years prescribed under the policy. The Labour Court, while adjudicating the industrial dispute, specifically recorded that the petitioner had worked continuously. Once the petitioner's stood eligible under the 2003 policy, the right to be considered for and granted regularization crystallized at that point in time. The respondents cannot resurrect a later policy framework to defeat that vested right, especially when similarly situated employees have been granted the benefit of regularization from an earlier date. Such selective application of policy results in hostile discrimination and creates an unreasonable classification devoid of any rational nexus with the object sought to be achieved.



Legitimate Expectation

30. Otherwise also, the withdrawal of a beneficial administrative scheme does not retrospectively wipe out accrued rights or legitimate expectation, especially when denial occurred due to illegal termination later corrected by judicial adjudication. In “***Union of India v. Hindustan Development Corporation, (1993) 3 SCC 499***”, the Supreme Court recognized legitimate expectation as part of constitutional fairness wherein it was held,

“29. This is a three-fold present : the present as we experience it, the past as a present memory and future as a present expectation. For legal purposes, the expectation cannot be the same as anticipation. It is different from a wish, a desire or a hope nor can it amount to a claim or demand on the ground of a right. However earnest and sincere a wish, a desire or a hope may be and however confidently one may look to them to be fulfilled, they by themselves cannot amount to an assertable expectation and a mere disappointment does not attract legal consequences. A pious hope even leading to a moral obligation cannot amount to a legitimate expectation. The legitimacy of an expectation can be inferred only if it is founded on the sanction of law or custom or an established procedure followed in regular and natural sequence. Again it is distinguishable from a genuine expectation. Such expectation should be justifiably legitimate and protectable. Every such legitimate expectation does not by itself fructify into a right and therefore it does not amount to a right in the conventional sense.

30. It has to be noticed that the concept of legitimate expectation in administrative law has now, undoubtedly, gained sufficient importance. It is stated that "Legitimate expectation" is the latest recruit to a long list of concepts fashioned by the courts for the review of administrative action and this creation takes its place beside such principles as the rules of natural justice, unreasonableness, the fiduciary duty of local authorities and "in future, perhaps, the principle of proportionately".

31. The petitioner’s entitlement under the Regularization Policies of 2003–2004 is reinforced by the well-established doctrine of *Accrued or Crystallised Rights*. Once an employee fulfills all the conditions of a policy while it is in operation, the benefit is no longer contingent but becomes a vested entitlement which cannot be retrospectively defeated by subsequent administrative



withdrawal. The petitioner having completed the qualifying service much prior to 30.09.2003, her right to be considered for regularization stood crystallised on that date.

32. The State, as a model employer, is constitutionally bound to act fairly, reasonably, and with sensitivity toward its most vulnerable employees. Having accepted the petitioner's eligibility and regularized his services in substance, the respondents cannot deny him the consequential benefits in full measure. Any such denial would render the promise of equality illusory and legitimize a course of conduct that is capricious, unjust, and constitutionally impermissible.

Entitlement under the 2003 Policy

33. This court mindful of the fact that ante-dated regularization is a legal consequence and not an equitable indulgence. Where an employee satisfies the eligibility criteria under a policy at the time of its operation, regularization must relate back to the date when the right first accrued. To grant regularization from a later date, without legal justification, is to truncate a vested right.

34. The jurisprudential foundation of ante-dating lies in the principle that the State cannot profit from its own delay or inaction. In ***Union of India v. Tarsem Singh (2008) 8 SCC 648***, the Supreme Court observed that where a continuing wrong affects service benefits, relief must be moulded to neutralise the injustice, notwithstanding the passage of time. Relevant extract is as follows:

“5. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted



even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. “

35. The subsequent regularization of the petitioner under a later policy does not obliterate his earlier entitlement. Acceptance of later regularization cannot be construed as waiver, particularly when the petitioner had been continuously asserting his claim. Constitutional rights are not surrendered by administrative acquiescence.

36. Importantly, ***Uma Devi*** (supra) does not bar ante-dated regularization in cases where eligibility flows from a pre-existing policy and judicial determination. This position was clarified in “***Hari Nandan Prasad v. Employer I/R to FCI (2014) 7 SCC 190***”, where the Supreme Court held that Uma Devi cannot be invoked to defeat legitimate claims arising from parity or settled adjudication. Relevant extract is as under:

“However, wherever it is found that similarly situated workmen are regularised by the employer itself under some scheme or otherwise and the workmen in question who have approached Industrial/Labour Court are at par with them, direction of regularization in such cases may be legally justified, otherwise, non-regularization of the left over workers itself would amount to invidious discrimination qua them in such cases and would be violative of Article 14 of the Constitution. Thus, the Industrial adjudicator would be achieving the equality by upholding Article 14, rather than violating this constitutional provision.”

37. Therefore, Ante-dated regularization does not amount to creating a new right retrospectively but it merely gives effect to an existing right that stood crystallized when the employee became eligible. It restores the employee to the



position he would have lawfully occupied had the State discharged its constitutional and statutory obligations in a timely manner. Any contrary approach would undermine the rule of law and convert the State's failure into a justification for perpetual disadvantage to the employee. In this sense, ante-dating is not an exception to the law it is a constitutional imperative flowing from the principles of fairness, non-arbitrariness, and equality. It ensures that regularization remains an instrument of justice, not an act of charity, and that the State, as a model employer, is held to standards consistent with constitutional morality.

Consequence of subsequent withdrawal of policy

38. Another contention of the state that the policy claimed by the petitioner by way of this petition stands withdrawn in view of Uma Devi's case, it is pertinent to observe the jurisprudence emerging from this case and subsequent decisions of the Supreme Court reflects a clear intention to safeguard employees from exploitation. The Court has repeatedly underscored that governments should not perpetuate ad-hoc or contractual employment by issuing regularization schemes at their convenience. Instead, as a one-time measure, only those employees who have completed ten years of continuous service are to be considered for regularization. These directions must be understood in light of fundamental principles of legal interpretation, which require that the law be construed in a manner that protects the vulnerable and preserves the legitimate rights of employees. Individuals cannot be left to serve indefinitely on daily-wage, contractual, work-charged, or part-time posts without a fair opportunity for regularization. Moreover, the contention of the respondents that the 2014 policy under which benefits were granted to the petitioner stands quashed by this Court in



Yogesh Tyagi (supra) is legally untenable. The present petition does not seek the grant of regularization per se, rather it is confined to the claim for ante-dated regularization, which the petitioner is otherwise entitled to. Consequently, the quashing of the policy has no bearing on the relief sought in the present proceedings.

39. In the instant case, admittedly the petitioner has been working since 1995 i.e., more than 2 decades as on date, but for one or the other reason taking excuses, the respondent-State has absolved itself from the duty as a socialistic welfare State, which otherwise tantamount to unfair labour practice or unfair means on its part to avail the services of such petitioners to their own advantage, who have devoted more than 60 % of life span for a meager amount, which may not be even sufficient to maintain themselves what to talk of their dependents in the family.

Parity with Similarly Situated Employees

40. It is pertinent to note that the petitioner has placed on record material to show that several employees working on Group-D posts in the same department, performing identical duties and governed by the same policy framework, have been granted the benefit of ante-dated regularization. The respondents, though admitting such regularization, seek to distinguish the petitioner on the basis different factual aspects and the subsequent withdrawal of the policy. However, both these grounds, as already discussed, do not withstand legal scrutiny.

41. Equality before law requires that persons similarly situated must be



treated alike. Any State action which suffers from arbitrariness is violative of Article 14 of the Constitution. The Supreme Court in “*E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3*”, held that arbitrariness is the very negation of equality. Where a policy has been applied in favour of certain members of a class, its denial to another member of the same class, without any rational or intelligible basis, renders the action discriminatory. The respondents have not been able to point out any legally sustainable distinction between the petitioner and those who have already been regularized.

Conclusion:

42. In view of the discussion on the foregoing issues, ante-dated regularization is not a matter of concession but a constitutional imperative. The denial thereof undermines judicial finality, rewards administrative delay, and fractures the principle of equality in public employment.

43. Therefore, the impugned action is not sustainable in law and thus the order dated 16.08.2024 (Annexure P-10) is hereby quashed. The petitioner is entitled to ante-dated regularization from the date on which he became eligible under the prevailing policy, with all consequential service benefits.

44. The respondent-department is ordered to grant the petitioner the benefit of ante-dated regularization under the policy dated 01.10.2003 and release all consequential benefits and arrears of pay along with interest of 6% per anum within three months from the date of receipt of certified copy of this order.

45. Petitions stands allowed with above said observations.

46. Pending application(s), if any also stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

23.12.2025

Anuradha

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