



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

236

CWP-10827-2022 (O&M)

Date of decision: 05.02.2025

Baljeet Singh and another

...Petitioners

Versus

Guru Nank Dev University and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Davinder Singh, Advocate,
for the petitioners.

Mr. Cyrus Chauhan, Advocate, for
Mr. M. K. Dogra, Advocate,
for the respondents.

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for directing the respondents to pay the minimum pay scale and not to replace them.

2. Learned counsel for the petitioner submit that as is apparent from the index, reliance was placed on pendency of CWP-23288 of 2012 and notice was also issued based thereon as well as the interim order on 16.01.2023, which has since been disposed of alongwith the batch of petitions, relevant of which reads thus:-

“2. The prayer in these cases is for directing the respondents to regularize the services of the petitioners serving in the respondent-University.

3. Learned Senior counsel as also the other learned counsel, in the



same breath, submit that the petitioners, working for more than 10 year on various posts, such as Electrician, Helper, Security Guard, Ground Man, Sewadar, etc. on daily-wage basis are entitled for regularisation, their cases being covered on all fours in their favour by judgments of this Court rendered in CWP-19238-2013, **Amrish Sharma and others vs. State of Punjab and others**, decided on 26.02.2024 and **Avtar Singh and others vs. Guru Nanak Dev University, Amritsar through its Registrar**. CWP-12892-1996, decided on 01.12.2023. Relevant paras of **Amrish Sharma and others** (supra) read thus:

“35. In the case in hand, the respondent in 2006 framed regularization policy which was followed by 2011 Policy. As per Policy of 2006 read with policy of 2011, an employee who has completed service of 10 years by the end of December’ 2006 is eligible for regular appointment. All the petitioners are Class ‘D’ employees. Few petitioners, as confirmed in different affidavits, during the pendency of litigation have been regularized and remaining have not been regularized due to lack of permanent/sanctioned posts. The respondent in 2023 has framed another policy whereby dying cadre has been created. There was no minimum qualification at the time of their appointment. They without interruption are working for decades. They are assigned duties of Class IV. Courts repeatedly have held that long experience is as good as minimum qualification especially when an employee is effectively discharging his duties. Thus, it would not be justified, on the ground of minimum qualification, to deny benefit of regularization to an employee who is working for decades and is assigned duties of class IV i.e. lowest rung.

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Conclusion:

47. In the wake of above discussion and findings, this Court comes to conclusion as below:



- i) This Court in the normal course cannot ask State to create or sanction posts.
- ii) The petitioners who had completed service of 10 years by the end of December' 2006, either at present are in service or have already retired, are entitled to regular post and they cannot be denied regularization on the ground of lack of sanctioned post or minimum education qualification. To avoid burden on State exchequer, it is clarified that from the deemed date of their regularization, they shall be entitled to minimum of pay scale plus dearness allowance and grade pay till the date of this order and thereafter regular pay scale.
- iii) The petitioners who are still in service but did not complete service of 10 years by the end of December' 2006 would form part of dying cadre created by 2023 Policy. The State, in view of long service of these employees, would not insist for minimum qualification. They from the date of completing service of 10 years would be entitled to minimum of pay scale plus dearness allowance plus grade pay till the date they are regularized in terms of 2023 Policy.
- iv) The petitioners who did not complete service of 10 years by the end of December' 2006 and during the pendency of present litigation have superannuated or passed away would be entitled to minimum of pay scale plus dearness allowance and grade pay from the date of completing service of 10 years till the date of their retirement or death.
- v) The petitioners who have already been regularized by 31.12.2016 shall not be entitled to any additional financial benefit because they are already getting higher amount of salary for last couple of years.
- vi) The respondent-State shall not be liable to pay interest on arrears arising on account of re-fixation of pay.”



4. The operative portion of **Avtar Singh and others** (supra) reads thus:
“4. In view of above, since admittedly the petitioners No.2 to 6 have been working with the respondent-University for more than 10 years on daily wage basis and were therefore entitled to be regularized, the respondents have not denied the date of appointment of the petitioners as mentioned by them in para 2 of the Writ Petition. Having been appointed in the years 1990, 1991, 1992 and 1993, this Court is of the view that the representation made by petitioners (Annexure P-2) shall be examined in light of the judgment in the case of Uma Devi and Others (Supra) and all the persons who have been working for 10 years or more shall be regularized in the aforesaid terms and shall also be paid the regular pay scale. Arrears shall also be calculated and paid to them.”
5. Learned counsel appearing for the University as also for the State have been unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.
6. In view of the aforesaid, the present writ petitions are disposed of in terms of **Avtar Singh** and **Amrish Sharma** (supra).

3. Learned counsel for the respondents despite his best efforts has been unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.
4. In wake of the aforesaid, the present petition is disposed of in terms of the judgment passed in **Kulwant Singh and others** (supra).
5. Pending applications, if any, also stand disposed of.

(AMAN CHAUDHARY)
JUDGE

05.02.2025
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No