



CWP-17982-2011

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102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17982-2011

Date of Decision:21.02.2025

MEWA SINGH

..... Petitioner

Versus

CHIEF ADMINISTRATOR, HUDA AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sourabh Goel, Advocate for the petitioner.

Mr. Arvind Seth, Advocate for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking modification of order dated 07.10.2004 (Annexure P-14) whereby he was regularized as Sweeper despite discharging duties of Clerk.

2. The petitioner claims that he joined respondent in 1995 as Sweeper. In view of his performance, he was assigned duty of Clerk. From 1999 to 2004, he continuously work as Clerk, however, he was regularized by impugned order as Sweeper. Till date, he is discharging duty of Clerk and at one point of time, was charge sheeted as Clerk. He has been authorized to represent the respondent as Clerk. He deserves at-least salary of Clerk because he is discharging duties of Clerk.

3. *Per contra*, Mr. Arvind Seth, Advocate for the respondents submits that as per Division Bench judgment of this Court in '**Sanjay Kumar Vs. Haryana Urban Development Authority, through its Chief Administrator, Panchkula and others**', 2000(2) SCT 715, no employee can be regularized on Class-C post and can be regularized on Class-D post. The petitioner may be discharging duties of Clerk, however, he



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happily accepted his regularization as Sweeper. He, at the first instance, had joined as Sweeper. With respect to his claim of higher pay, Mr. Arvind Seth submits that Competent Authority would consider his claim of the petitioner in the light of judgments of this Court.

4. The petitioner may be discharging duties of Clerk, however, he had joined as Sweeper and was regularized as Sweeper. He without demur accepted his regularization as Sweeper. In view of Division Bench judgment of this Court, he could not be regularized as Class-C, however, there is substance in his prayer that he deserves salary as Clerk because he is discharging duties of Clerk.

5. In the wake of statement of both sides, the petition stands disposed of with a direction to respondents to consider claim of the petitioner *qua* salary for the post of Clerk. The respondent shall decide his claim in the light of judgments of this Court, including full Bench of this Court in '*Subhash Chander vs. State of Haryana and others*', 2012 (1) SCT 603 as well as judgment of Supreme Court in '*Smt.P.Grover vs. State of Haryana*', AIR 1983 SC 1060. The Competent Authority on the basis of evidence led by petitioner shall decide whether he had actually discharged duties of Clerk. It is made clear that arrears shall not carry interest and he would be entitled to arrears, if any, from the date of filing petition before this Court.

(JAGMOHAN BANSAL)
JUDGE

21.02.2025

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No