



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

CWP-1968-2012

Reserved on : 08.08.2025

Pronounced on: 02.09.2025

Sant Ram and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. K.L. Arora, Advocate
for the petitioners.

Mr. Vikas Arora, DAG, Punjab.

Mr. Anupam Singla, Advocate
for respondents No.2 to 4.**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 respondents No.1 to 4 to regularized the services of the petitioners after counting the service period of motor mate rendered by them before they were adjusted as helper in the civil cell department in view of the instructions issued by the Punjab Government Circular (Personal Department) dated 18.03.2011 (Annexure P-2).

2. The factual background of the case is that the petitioners have been serving with the respondents/Department, namely, the PEPSU Road Transport Corporation (hereinafter referred to as 'PRTC') as work charge employees in proper pay scales and have been receiving all service-related benefits such as Personal Incentive Compensation (PIC), Gratuity, Contributory Provident Fund (CPF), Pension, and other admissible benefits. Their



appointments were neither irregular nor illegal, and they were not engaged through any back-door mechanism. The conduct and work performance of the petitioners have remained consistently satisfactory throughout their tenure. Subsequently, the Board of Directors of respondent No.2-Corporation (PRTC) took a policy decision to regularize the services of daily wage employees and constituted a committee of officials to examine the eligibility of such employees. Thereafter, 33 work charge employees also gave representation for regularization of their services and it was decided by the Management to get the case of these 33 work charge employees examined from the same committee which had earlier examined the case of daily wages employees. Further the committee recommended regularization in respect of 23 work charge employees who had completed 10 years of service as on 10.04.2006 and their services were accordingly regularized vide order No. 751 dated 16.10.2009 (Annexure P-3) in accordance with the prevailing instructions of the Punjab Government. Further, the services of rest of the 10 work charge employees including the petitioners were not regularized on the ground that they did not complete 10 years of service as on 10.04.2006. The petitioners were adjusted as helper w.e.f. 09.09.1998 without there being any gap in their service which is discernible from the record of the department. If the service period of the petitioners as motor mates is considered, all the petitioners fulfil the condition of 10 years of service as on 10.04.2006. It is further mentioned that petitioners have regularly applying to the respondent-Department for regularisation of their services by giving representations. The petitioners gave a detailed representation in the year 2009 (Annexure P-4) but till date, no decision has been taken on the representation and thus, the instant case.

3. Learned counsel for the petitioners *inter alia* contends that the



petitioners have completed over 10 years of continuous service and are similarly placed as other work charge employees who were regularized by the committee and they have been denied regularization of their service while granting it to others is unfair and violates their right to equality. The petitioners have also submitted representation but no decision has been taken till date.

4. *Per contra* the learned counsel for the respondents submits that the petitioners were engaged as motor mates without any interview, test, advertisement or through employment exchange. Thereafter in 1998 all the petitioners who were working as motor mates applied for fresh appointment to the post of Helper (work charge) and were appointed afresh as Helpers on 09.09.1998. For calculating 10 year period of service as work charge/daily wage employees, in terms of notification dated 15.12.2006 (Annexure P-2), the petitioners completed only 8 years of service as in December 2006, since they were appointed on 09.09.1998. Thus the petitioners are not entitled to claim the benefit of the notification dated 15.12.2006 (Annexure P-2).

5. I have heard the learned counsels for both the parties and perused the record with their able assistance.

6. A Two Judge bench of the Apex Court in ***Dharam Singh vs. State of U.P 2025 INSC 998*** speaking through Justice Vikram Nath made the following observations,

*“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 offends 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 added)

Further reliance may be placed on another Two Judge Bench of the Hon’ble Supreme Court in ***Jaggo vs. Union of India 2024 INSC 1034***, which made the following observation,

“27. In light of these considerations, in our opinion, **it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody.** This approach aligns with international standards and sets a positive precedent for the private



sector to follow, thereby contributing to the overall betterment of labour practices in the country.” (emphasis added)

7. The respondent has exploited the flexibility outlined by the Constitution Bench, systematically transforming contractual, ad-hoc, temporary, and part-time appointments into a pervasive norm across all departments, including the critical sphere of education. The Supreme Court's limited allowance for contractual appointments in genuine exigencies was never intended to sanction this routine subversion of the regular recruitment process, which undermines the constitutional mandate of equality under Articles 14 and 16. The Court's clear intention was to curb back-door entries, not to endorse infinite contractual tenures with minimal pay. As a model employer, the State has a constitutional obligation to eschew such exploitative practices that take advantage of mass unemployment; it must instead provide secure public employment through proper channels and cease keeping its employees under the perpetual threat of termination.

8. The petitioner's duration of work as motor mate showcases that the requirement of motor mate was continuous and perennial in nature. The petitioners had been continuously discharging the duties for a long period of time before getting a fresh appointment as Helpers. State as a model employer should be welfare oriented and not have exploited the petitioners by extracting duties perennial in nature without providing them with apt and suitable appointments.

9. In view of the above discussion the Claim of petitioners is squarely covered by afore-cited judgments especially ***Jaggo (Supra)*** and ***Dharam Singh and others (Supra)***. The present petition is accordingly



allowed. The respondents are directed to ensure that the petitioners are regularised within six weeks from the date of receipt of certified copy of this order by the competent authorities. If not regularised the petitioners shall be deemed to be regularised on the expiry of six weeks. The petitioners shall be entitled to counting of past service and other benefits as per judgments of 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*.

10. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

02.09.2025

Neha

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