



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

CWP-12969-2016

Date of decision: 13.11.2025

Balwan Singh

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Mamli, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl.A.G., Haryana.

Mr. Sakal Sikri, 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 *certiorari/mandamus* directing the respondents to consider the case of the petitioner for regularization and further directing the respondents to reinstate the petitioner and to pay all consequential benefits.

2. The factual background of the case is that the petitioner joined in the respondent-Department as *Safai Karamchari* in the year 1985 on daily wages. The Haryana Government formulated a policy dated 27.05.1993 (Annexure P-1) for regularization of services of casual/daily wagers who had completed 05 years of continuous service, as on 31.03.1993 had completed 240 days of service in each year. Thereafter, the Haryana Government formulated another policy dated 07.03.1996 (Annexure P-2) for the regularization of services for casual/daily wagers who had completed 05 years of service, as on 31.01.1996 and should have completed 240 days of service in each year. The



Haryana Government had further amended the policy vide letter dated 18.03.1996 (Annexure P-3) in which the requirement of 05 years of service was reduced to 03 years. It is further mentioned that Haryana Government formulated yet another policy for regularization on 01.10.2003 (Annexure P-4). Having completed more than 05 years of service, the petitioner sought regularization but no action was taken, causing him to move a representation dated 12.05.2016 (Annexure P-6) before the respondents but in vain.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been working continuously since the year 1985 with no break in his service and if there is any break, it is due to the fault of the respondents as the petitioner has always been willing to work. Further, similarly situated employees as the petitioner, namely, Jai Bhagwan, Inder and Bhagwan, have been regularized but the same benefit has been arbitrarily denied to the petitioner. The petitioner is squarely covered by the policy and the action of the respondents in not regularizing the services of the petitioner is arbitrary and violative of Articles 14 and 16 of the Constitution of India.

4. Per contra, learned counsel for the respondents contended that the petitioner joined the respondent-Department in the year 1987 on part time basis and worked for only four hours a day, however, the petitioner has wrongly stated that he was engaged on daily wage basis in the year 1985. It is further contended that Executive Engineer, Sub Urban Division, H.S.E.B., Panipat vide sanction letter dated 16.06.1998 (Annexure R-1) accorded engagement of the petitioner as a part time Mali/Sweeper and Sewerman at 33 KV Sub Station, Noultha as per DC rates for the period from 02.06.1998 to 29.08.1998. Further, the Government of Haryana framed various policies for regularization of daily wages employees and as per the policy dated 01.10.2003, the eligibility



condition for regularization of a daily wage employee was completion of three years in a Group 'D' post on 30.09.2003. The policies for regularization are not applicable in the case of the petitioner as he was not working on daily wage basis as a Safai Karamchari, as claimed, but was appointed as a part time Sweeper on 04.07.1987 only to work for four hours in one day. He further submits that the petitioner himself discontinued his service and subsequently, filed a CWP No.12145 of 2005 titled as 'Balwan Singh Vs. Uttar Haryana Bijli Vitran Nigam and others', wherein, he prayed for quashing of order dated 21.01.2004 as well as the verbal termination of the petitioner and the policy dated 08.08.2003 issued by the respondent-Department. He also prayed for directions to the respondents to frame a rational policy for regularization of its part time employees and also for regularization of his services. The petitioner had himself admitted the fact that he was working as a sweeper on part time basis which is discernible from para 2 of the said writ petition which was later withdrawn by him with liberty to avail the remedy of reference before the Labour Court, vide order dated 16.10.2006 (Annexure R-3). Moreover, the respondent-Department framed a policy for regularization of services of part time (Class IV employees) dated 08.08.2003, however, the said policy was withdrawn by the Department in view of the circular dated 13/25.04.2007 issued by the Government of Haryana.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the question of whether part-time workers can be regularized is no longer *res integra*. In the '***Union of India v. Ilmo Devi***' 2021(4) SCT 312, a two-Judge Bench of the Hon'ble Supreme Court speaking through Justice M.R. Shah, has made the following observations with regard to the regularization of part-time Sweepers who were



working for less than five hours a day:

“8.6 In the case of Daya Lal & Ors. (supra) in paragraph 12, it is observed and held as under:-

12. We may at the outset refer to the following well settled principles relating to regularisation and parity in pay, relevant in the context of these appeals:

(i) The High Courts, in exercising power under Article 226 of the Constitution will not issue directions for regularisation, absorption or permanent continuance, unless the employees claiming regularisation had been appointed in pursuance of a regular recruitment in accordance with relevant rules in an open competitive process, against sanctioned vacant posts. The equality clause contained in Articles 14 and 16 should be scrupulously followed and Courts should not issue a direction for regularisation of services of an employee which would be violative of the constitutional scheme. While something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of the process, can be regularised, back door entries, appointments contrary to the constitutional scheme and/or appointment of ineligible candidates cannot be regularised.

(ii) Mere continuation of service by a temporary or ad hoc or daily-wage employee, under cover of some interim orders of the court, would not confer upon him any right to be absorbed into service, as such service would be "litigious employment". Even temporary, ad hoc or daily- wage service for a long number of years, let alone service for one or two years, will not entitle such employee to claim regularisation, if he is not working against a sanctioned post. Sympathy and sentiment cannot be grounds for passing any order of regularisation in the absence of a legal right.

(iii) Even where a scheme is formulated for regularisation with a cut-off date (that is a scheme providing that persons who had put in a specified number of years of service and continuing in employment as on the cut-off date), it is not possible to others who were appointed subsequent to the cut off date, to claim or contend that the scheme should be applied to them by extending the cut-off date or seek a direction for framing of fresh schemes providing for successive cut-off dates.

iv) Part-time employees are not entitled to seek regularisation as they are not working against any sanctioned posts. There cannot be a direction for absorption, regularisation or permanent continuance of part-time temporary employees.

(v) Part-time temporary employees in government run institutions cannot claim parity in salary with regular employees of the Government on the principle of equal pay



for equal work. Nor can employees in private employment, even if serving full time, seek parity in salary with government employees. The right to claim a particular salary against the State must arise under a contract or under a statute.

[See State of Karnataka v. Umadevi (3) [(2006) 4 SCC 1], M. Raja v. CEERI Educational Society [(2006) 12 SCC 636], S.C. Chandra v. State of Jharkhand [(2007) 8 SCC 279], Kurukshetra Central Coop. Bank Ltd. v. Mehar Chand [(2007) 15 SCC 680] and Official Liquidator v. Dayanand [(2008) 10 SCC 1].

8.7 Thus, as per the law laid down by this Court in the aforesaid decisions part-time employees are not entitled to seek regularization as they are not working against any sanctioned post and there cannot be any permanent continuance of part-time temporary employees as held. Part-time temporary employees in a Government run institution cannot claim parity in salary with regular employees of the Government on the principle of equal pay for equal work.

(Emphasis added)

6. In ‘*Union of India and Ors. v. A.S. Pillai and Ors.*’, 2010(4) S.C.T. 817, the Hon’ble Supreme Court denied the relief of regularization to part-time workers on the ground that that such employees, not being bound by service rules or departmental regulations applicable to regularly appointed staff, cannot claim parity in terms of equal pay or regularization. The Court emphasized that part time workers remain at liberty to take up engagements elsewhere, as there is no restraint upon them to exclusively serve the authority/employer. Reliance can also be placed on the judgments of the Hon’ble Supreme Court in ‘*Secretary to Government, School Education Department, Chennai v. Thiru R. Govindaswamy*’ 2014(2) SCT 221 and ‘*State of Rajasthan v. Daya Lal*’, 2011(2) SCC 429. Further, the respective Division Benches of the Delhi High Court in ‘*Post Master Main Post Office v. Bir Singh*’ 2023 NCDHC 6087 and the Gujarat High Court in *State of Gujarat v. Mahesh Ramjibhai Purabia (R/LPA No. 1142 of 2018)* have also denied the relief on regularization to part-time workers who are not working against any

sanctioned posts.

7. Admittedly, the petitioner has been serving as a part-time Sweeper with the respondent/Departments, not against any sanctioned post, and **for no more than four hours a day** (Annexure P-13). Being engaged only part-time, he remains free to take up employment elsewhere and faces no restraint from working for another establishment during the rest of his day. The Court does not find any force in contention that such part-time engagement makes it nearly impossible for him to secure work during the remainder of his day. In fact, this very plea had earlier been rejected by the Hon’ble Supreme Court in the **Ilmo Devi case (supra)** with regards to **part-time workers working for less than five hours in a day**.

8. In view of the above, the present civil writ petition is hereby dismissed as the part-time workers not working against any sanctioned posts for only a few hours in a day, are not entitled to seek regularization of their service in view of the law settled by the Hon’ble Supreme Court.

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

13.11.2025
Neha

(HARPREET SINGH BRAR)
JUDGE

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