



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

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Date of Decision: 18.11.2025

1. CWP-13325-2016(O&M)

Gurpal Singh Sodhi & ors.

... Petitioners

Versus

State of Punjab & ors.

... Respondents

2. CWP-17541-2016(O&M)

Satish Kumar & ors.

... Petitioners

Versus

State of Punjab & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Dhiraj Chawla, Advocate
for the petitioners.

Mr. T.P.S. Walia, AAG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Both these petitions are amenable to be decided together as a common legal issue has been raised herein for consideration. With the consent of the parties, both the petitions are taken together for their disposal. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-13325-2016.

2. The petitioners through instant petition, as cast under Articles 226 of the Constitution of India, are seeking mandamus for respondent No.2 to grant all benefits upon regularization from the date of initial appointment such as seniority, promotions, pay fixation and arrears instead of restricting it only for pensionary benefits alone in view of the policy decision taken on 14.03.2016.



3. The petitioners were initially appointed as Clerks on *adhoc* basis by the respective appointing authorities on various dates in the year 1982-83. They continued in the job with the breaks, and subsequently, as per the State Government instructions with regard to the regularization of service, they were directly appointed by the Superintending Engineer/Directors, Irrigation Works, Punjab, Chandigarh, and their services were regularized w.e.f. 31.12.1990. Further the petitioners remained agitated with the issue for regularization from the back date i.e. the date they entered into service by counting the benefit of their *adhoc* service. The matter was finally considered, and the services of the petitioners were ordered to be regularized w.e.f. 01.04.1985, vide order dated 09.06.2009 (Annexure P-6), and thereafter, they were granted all benefits accordingly. Now again, the petitioners have filed instant petition(s) seeking their benefit w.e.f. 1982-83, claiming to be entered into service on *adhoc* basis.

4. Vide order dated 14.03.2016 (Annexure P-10), the department concerned has issued a clarification, to the effect, that as per the Finance Department instructions letter No.1/74/90-IFP-III/7273 dated 26.10.1995 (Annexure P-11), only the pensionary benefits will be given *qua* the *adhoc* service, and no other benefit will be given. This caused the grievance to the petitioner(s), propelling them to file the instant writ petition(s), seeking *mandamus* for grant of benefit of regularization from the date of initial appointment, which was restricted by the department concerned, whereby, the department concerned, has restricted the benefits for counting of service, only for the purpose of pension only.



5. This Court has examined the issue, as involved in the instant writ petition(s).

6. Earlier, the order dated 09.06.2009 (Annexure P-6), was issued by the department concerned, for hereinafter extracted conditions :-

“1. These orders are subject to pending court cases and if any judgment contrary to this decision comes then the same shall be effective on these orders and they may be changed/amended.

2. That in case any patent irregularity is discovered then without any notice these orders can be amended/modified/withdrawn.

3. That in case in future any decision comes which may effect the dates of regularization, the dates of regularization can be anti dated or advanced.

4. These orders should be brought to the notice of all concerned and acknowledgment taken and be recorded in their service books.

5. The above dates of regularization should not be treated as seniority.”

7. Now the petitioner(s) have started raising the claim of regularization in service, from the date of their initial appointment, without challenging the order dated 09.06.2009 (Annexure P-6), where through, their services were regularized w.e.f. 01.04.1985. The instant writ petition(s) seeking *mandamus* is not maintainable, as the petitioner(s) have never challenged the order dated 09.06.2009 (Annexure P-6).

8. The condition No.5 (supra), clearly postulates that regularization should not be treated as seniority. The Finance Department instructions letter No.1/74/90-IFP-III/7273, which was issued on 26.10.1995 (Annexure P-11), restricting the benefit of counting of *ad hoc*



service only towards the pensionary benefits, has never been put to challenge before this Court. In absence of the challenge to Annexure P-11 (supra), which was a policy decision, this Court finds that no interference is required by this Court, in the instant matter. Furthermore, the reliance placed upon the judgment (Annexure P-1), by the petitioner(s), is totally a misplaced reliance, as there was no gap in the service of the petitioner(s) therein, rather after completion of three years of *ad hoc* service, they were granted the benefit of regularization.

9. However, it is the admitted case of the present petitioner(s) that there is a gap in the service of the petitioner(s). Therefore, the relief as granted to the petitioner(s) therein, vide judgment (Annexure P-1), is not applicable to the present petitioner(s).

10. In summa, the instant writ petition is **dismissed** accordingly.

(KULDEEP TIWARI)
JUDGE

18.11.2025
monika/manpreet

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