



**CM-7268-CWP-2025 and
CM-7269-CWP-2025 in/and
CWP-11849-2017** 1

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

**(102) CM-7268-CWP-2025 and
CM-7269-CWP-2025 in/and
CWP-11849-2017
Date of Decision : May 14, 2025**

Wazir Singh .. Petitioner

Versus

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pawan Kumar Goklaney, Advocate, and
Mr. Ashish Goklaney, Advocate, for the petitioners.

Ms. Akshita Chauhan, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-7268-CWP-2025

As prayed for, the application is allowed.

CM-7269-CWP-2025

As prayed for, the application is allowed.

Annexures P-15 to P-19 are taken on record.

CWP-11849-2017

1. In the present writ petition, the grievance being raised by the petitioner is that he is working on the post of Pump Operator from the year 1992 onwards but his services have not been regularized and that too without any valid justification.



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2. Learned counsel for the petitioner argues that the issue where the temporary employees were working for more than a decade and were claiming regularization, came up for consideration before the Hon'ble Supreme Court of India in ***Civil Appeal No. 14831 of 2024 titled Jaggo Vs. Union of India, decided on 20.12.2024*** wherein, specific directions have been given that once an employee has worked for more than a decade keeping in view the judgment of the Hon'ble Supreme Court of India in ***Secretary, State of Karnataka vs. Uma Devi and others, 2006 (4) SCC 1***, the employees are entitled for regularization of their services and after completion of two decades of service, objections should not be taken by the Department to deny the said benefit rather efforts should be made to grant the benefit.

3. Learned counsel for the respondents submits that though it is a conceded fact that the petitioner is working on the post of Pump Operator for the last more than two decades but his qualifications are such that he cannot be regularized on the post of Pump Operator, which is a class-III post and the claim of the petitioner for regularization on a class-IV post can be considered.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It is a conceded fact that the petitioner is working on a class-III post of Pump Operator with the respondents for more than two decades and is discharging the duties without there being any finger pointed out qua the work being executed by him.



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6. Once the petitioner has successfully rendered service for a period of more than two decades while working on the post of Pump Operator, it cannot be said that he does not know how to perform the duties of the said post. Merely that at the time when the petitioner was appointed, he was not having requisite qualification cannot be made a ground to reject his claim for regularization. The position as to whether the petitioner fulfills requisite qualification was to be seen by the respondents at the time of his appointment and the said objection cannot be raised after a period of more than two decades of the unblemished duties being performed by the petitioner for the respondents.

7. Further, the question of regularization of services of employees has already been settled by the Hon'ble Supreme Court of India in **Jaggo's case (supra)** wherein, directions have been given to consider the case of the employees who have discharged sufficiently long tenure of duties on temporary basis. The relevant paragraph of the said judgment is as under:-

“xxx

20. It is well established that the decision in [Uma Devi](#) (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly “irregular,” and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks



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inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization. In a recent judgement of this Court in Vinod Kumar and Ors. Etc. Vs. Union of India & Ors.⁵, it was held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed "temporary" but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgement have been reproduced below:

“6. The application of the judgment in [Uma Devi](#) (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of [Uma Devi](#) (supra).

7. The judgement in the case [Uma Devi](#) (supra) also distinguished between “irregular” and “illegal” appointments underscoring the importance of considering certain appointments [2024] 1 S.C.R. 1230 even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be



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said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case...”

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26. While the judgment in *Uma Devi* (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between “illegal” and “irregular” appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in *Uma Devi* (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

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



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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.”

8. Keeping in view the totality of the circumstances, in case, there is no blemish on the work and conduct of the petitioner, the respondents are directed to consider the claim of the petitioner for regularization of his services under the relevant policy which is applicable to him without declining the same on the ground that at the time when the petitioner was appointed, he was not having requisite qualification.

9. The present writ petition is allowed in above terms.

May 14, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No