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

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**CWP-21051-2018 (O&M)
Date of Decision: 22.07.2025.**

KARANVEER SHARMA

...Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Gurmeet Singh Saini, Advocate,
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab

VINOD S. BHARDWAJ. J (ORAL).

Seeking setting aside of the order dated 21.06.2018, passed by respondent No.4 whereby the claim of the petitioner for being retained against the post of Mate instead of Beldar, which was issued to him, the instant writ petition has been filed.

2 Learned counsel appearing on behalf of the petitioner contends that consequent upon death of his father on 25.08.2017 in harness, the petitioner submitted an application dated 20.09.2017 for being issued appointment under the Compassionate Appointment Policy. Vide letter dated 25.10.2017, the respondent appointed the petitioner against the post of Mate,

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which is a Class-IV post. Pursuant thereto, the petitioner joined as such on 01.11.2017. Nearly six months after having joined against the said post, he was served with a letter dated 04.05.2018 whereby it was informed that the designation/appointment of the petitioner has been changed from the post of Mate to Beldar. The said order was challenged by the petitioner in CWP No.12303 of 2018 on the ground that no opportunity of hearing had been extended to the petitioner before withdrawing the earlier appointment against the post of Mate and re-issuing his appointment against the post of Beldar. The order dated 04.05.2018 was set aside by this Court vide order dated 23.05.2018 and the respondents were directed to pass a fresh order in accordance with law.

3 In compliance thereto, a show cause notice was issued to the petitioner to which he submitted his response whereupon the Department passed the order dated 21.06.2018 upholding their earlier decision to change the appointment of the petitioner from the post of Mate to Beldar, on the ground that the post of Mate was a promotional post and by making a reference to the policy issued vide Endorsement No.8/26/12-4 I.P.3/2347-52 dated 29.06.2012. Aggrieved thereof, the instant writ petition has been filed.

4 Learned counsel for the petitioner contends that the petitioner had given specific instances of other similarly situated persons who had been appointed to the post of Mate, in his affidavit submitted to the respondent authorities, which reads thus: -

“4. For example, in Hari Ke Canal Division, Tarsem Singh son of Mahinder Singh, Mate now Earth Work Mistri was appointed as Mate directly. Beside this Sh. Savinderpal Singh

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son of Late Sh. Kashmir Singh, Mate now Earth Work Mistri was appointed as Mate directly on compassionate basis. Beside this after the death of late Sh. Ajmer Singh son of Sh. Thakur Singh Belder, his son was appointed directly as Clerk on compassionate basis and Sh. Rishab was appointed directly as J.D.M on compassionate basis.

In Drainage Division Golewala, Sh. Gurmeet Singh son of Sh. Bahadar Singh, Mate now Earth Work Mistri was appointed as a Mate directly.

In Eastern Canal Division, Ferozepur, Sh. Lajwinder Kumar, Mate now Earth Work Mistri was appointed as Mate directly on compassionate basis. Beside this Sh. Harpal Singh was appointed as T-Mate directly on compassionate basis (Mate and T-Mate are same posts). Sh. Mukand Singh and Balvir Singh, Mate now Earth Work Mistri were appointed as Mate directly. Beside this after the death of Class-D employees, their sons have been appointed directly as Canal Patwari.

Beside above, in Ferozepur Canal Circle, Ferozepur J.E. and S.D.O. have been appointed directly.

Employees/officials shown in shown above in para no.4 worked without experience, whereas I have more than six months experience to my credit. It is requested that I may be remained as Mate.”

5 He contends that even though the impugned order does not make any reference to the same, however, in reply, the respondents have taken a stand that the appointment orders to the said persons have been issued prior to the Policy of 2012. He contends that the stand taken by the

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respondents gets contradicted since fresh orders of appointment against the post of Mate (redesignated as Work Mistri) have also been made by the respondents even in the year 2023 vide office order No.1520-22/25-E R dated 19.06.2023; vide office order dated 146-147/4-E dated 07.06.2023 and vide appointment letter No.5652/134/E.M.E. sent on 16.08.2023. He submits that the reason thus assigned by the respondent is effectively countered by their own documents about appointment being made to the said post.

6 Learned State counsel reiterates the submissions recorded in the written statement filed by them and submits that the Principal Secretary, Government of Punjab, Department of Irrigation had laid down the criteria for filling up the post of Group-D in view whereof two cadres have been prescribed on the basis of educational qualifications. The one who were Middle or above were to be assigned the category of 'educated Beldar' with a hierarchy as 'gauge reader' while the others were to be assigned the work of other Beldars and their promotional hierarchy is 'work Mistri' or 'Mates.' It is not disputed that the petitioner possesses the qualification of Matriculation i.e. higher than the Middle class. It is thus contended that the post of Mate could be provided only to an employee who was Middle class or below.

7 It was also pointed that on identifying the said mistake, the necessary rectification order was passed in May 2018 which has been upheld by the respondent-Department.

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8 Learned counsel for the respondent-State is, however, not in a position to dispute the office orders issued in the year 2023 to other persons who were appointed as Work Mistri.

9 I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present petition.

10 It transpires that the respondents have carried out the aforesaid bifurcation on the basis of a policy decision but without referring to the governing rules. It is trite law that policy instructions cannot override the notified service rules applicable to the Department. It is also not borne out from the reasons assigned by the respondents, in the impugned order, as to whether under the service rules, the post of Mate is a promotional post or as to whether the same can be filled up by way of direct appointment. Further, there is also no discussion by the respondents with respect to the instances referred to by the petitioner. Even though, an attempt has been made to respond to the objection of having issued appointment as made to other similarly placed persons, however, such reasoning has been assigned only in the written statement and not as a part of the order that has been passed. The said aspect is thus nothing more than a disingenuous attempt to justify the order, at the stage of arguments in a matter. State cannot supplant the reasons which originally reflected in the impugned order during the course of litigation.

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11 There is no reason as to why these essential aspects have not been dealt with or disclosed by the respondents. Besides, appointments as Work Mistri have also been issued by the respondents as late as on 19.06.2023. The said aspect is even though later in point of time, however, the same would require a proper response.

12 In the said circumstances, it is deemed appropriate that the respondent authorities should re-examine the matter in terms of the observations noticed above and pass a reasoned and speaking order after taking note of all the aforesaid factors including the claim of parity as demanded by the petitioner. The order under challenge dated 21.06.2018 is accordingly set aside. The matter is remanded to the respondents to pass a fresh order in accordance with law.

13 The petition is allowed in above terms.

14 Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

July 22, 2025
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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