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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1462-2019 (O&M)

Date of Decision: 10th of March, 2025

***SUPERINTENDING ENGINEER, OPERATION CIRCLE, DAKSHIN
HARYANA BIJLI VITRAN NIGAM LTD. AND OTHERS***

.....Appellant(s)

V/s.

SAJEEV KUMAR AND ANOTHER

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Deepak Balyan, Advocate
for the applicant-appellant.

Mr. Nishchal Chetanya Manchanda, Advocate
for the respondents.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The appellants by way of this LPA has assailed the order dated 14.02.2019 passed in CWP-26587-2017 whereby the learned Single Bench has allowed the appeal of the petitioners (respondents herein).

2. Both the learned counsel for the parties are *ad idem* that the issue raised in this present LPA stands finally adjudicated by the judgment rendered by the coordinate Division Bench of this Court in two connected cases i.e. *LPA-1316-2018* titled as **Haryana Vidyut Parsaran Nigam Ltd. & Others** Vs. **Madan Lal and Others** and *LPA-1337-2018* titled as **Haryana Vidyut Parsaran Nigam Ltd. & Others** Vs. **Laxmi Devi**, decided on 12.07.2022. Certain the Writ Petitions were also decided where the same issue was taken up. The said judgment passed by the Division Bench was a subject matter of challenge before the Hon'ble Supreme Court in SLP.



3. In **Haryana Vidyut Parsaran Nigam Ltd. & Others** Vs. **Madan Lal and Others** (Supra), this Court examined the directions issued by the learned Single Bench and after considering the law, it held as under:-

“It is in such circumstances, keeping in view the background which has been noticed by the Learned Single Judge and where there is apparent violation of Article 14 of the Constitution of India where persons who have only completed 6 years of service like in the case of Uday Singh, have been granted the benefit of regularization, the Nigam still has chosen to file the present appeals. The same are also barred by 45 days of delay in filing in the case of Madan Lal and 101 days of filing in the case of Laxmi Devi.

Accordingly, keeping in view the above background, we also do not deem it fit to interfere in the orders passed by the learned Single Judge as no sufficient case also has been made out to condone the delay in filing the appeals. The employees who have rendered over 25 years of service as on today and who were employed at the first instance by the erstwhile Board/Nigam itself on their asking, without complying with the terms of the employment by offering employment to others, cannot be short-changed by the Nigam on technicalities. It is also to be noticed that the learned Single Judge was exercising jurisdiction under Article 226 of the Constitution of India which is a discretionary one and thus, the principles of equity would come into force overriding the strict rule of the policy on the technicalities as argued by Mr.Nalwa. One cannot lose sight of the fact that the private respondents are Class-IV employees who are now at the fag end of their life and also not likely to be employed elsewhere and have served the Board/Nigams to the best of their ability in their youth. Therefore, the benefit which the Learned Single



Judge has granted them is not the one which is liable to be set aside, in the peculiar facts and circumstances.

Resultantly, in view of the above discussion, the present appeals are hereby dismissed.”

4. We find that even otherwise, the view taken by the Division Bench in LPA-1316-2018 and LPA-1337-2018 is also similar to the view taken by the Hon’ble Supreme Court, recently in **Jaggo v. Union of India & Ors**; 2024 INSC 1034, wherein the Supreme Court has held as under:-

“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 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.

28. In view of the above discussion and findings, the appeals are allowed. The impugned orders passed by the High Court and the Tribunal are set aside and the original application is allowed to the following extent:

- i. The termination orders dated 27.10.2018 are quashed;*
- ii. The appellants shall be taken back on duty forthwith and their services regularised forthwith. However, the appellants shall not be entitled to any pecuniary benefits/back wages for the period they have not worked for but would be entitled to continuity of services for the said period and the same would be counted for their post-retiral benefits.”*

5. In view thereto, no interference is warranted and the instant LPA stands **dismissed**. The compliance of the impugned order shall now be made within three months, if not made earlier.



6. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[KIRTI SINGH]
JUDGE

March 10, 2025
Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No