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

**(104) CM-1914-CWP-2025 in/and
CWP-11971-2008
Date of Decision : March 18, 2025**

Mohinder Singh and others .. Petitioners

Versus

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Gandhi, Advocate, for the petitioners.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

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Present application has been filed for fixing the main writ petition at an early actual date.

Notice of the application to the counsel opposite.

Mr. T.P.S. Chawla, learned Sr. Deputy Advocate General, Punjab, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and on the joint request of learned counsel for the parties, the main writ petition is taken up for hearing today itself.



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1. In the present writ petition, the claim of the petitioners is that they are entitled for benefit of regularization of their services as they have worked for more than two and half decades with the respondents but the benefit of regularization of their service has been denied to them vide order dated 03.06.2008 (Annexure P-10) passed by the Government of Punjab, which is causing prejudice to the petitioners as the petitioners are not getting any retiral benefits. Hence, it is the prayer of the petitioners that the said order dated 03.06.2008 (Annexure P-10) passed by the Government of Punjab be set aside and they be given the benefit of regularization of their services.

2. Learned counsel for the petitioners argues that the question of the grant of benefit of pension to the employees who had served the State for more than two decades but could not get pension as their services were not regularized prior to the date they attained the age of superannuation, came up for consideration in *Civil Appeal No. 6798 of 2019 titled as Prem Singh Vs. State of Uttar Pradesh and others, on 02.09.2019* and by placing reliance upon the judgment in *Secretary, State of Karnataka vs. Uma Devi and others, 2006 (4) SCC 1*, the Hon'ble Supreme Court of India held that such employees who have rendered two decades of service but their services could not be regularized prior to the date they attained the age of superannuation are entitled for the grant of benefit of regularization for the purpose of pension only. Hence, the claim of the petitioners is squarely covered by the judgment in *Prem Singh's case (supra)* for the grant of



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benefit of regularization for the purpose of pensionary benefits.

3. Learned counsel for the petitioners further submits that recently, 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***, has held that where an employee has worked for more than one decade and keeping in view the judgment of the Hon'ble Supreme Court of India in ***Uma Devi's case (supra)***, the services of such employees should be regularized hence, keeping in view the said settled principle of law settled by the Hon'ble Supreme Court of India in aforementioned judgments, the respondents are under an obligation to consider the claim of the petitioners for the grant of benefit of regularization of their services for the purpose of pensionary benefits only so that the petitioners can survive in these hard days on the basis of the said pensionary benefits.

4. Learned counsel for the respondents submits that the claim of the petitioners qua regularization for their service will be considered in light of the judgment in ***Prem Singh's case (supra)*** and ***Jaggo's case (supra)***. Learned counsel for the respondents further submits that an appropriate order regarding claim of the petitioners qua regularization of their service will be passed within a period of eight weeks of the receipt of copy of this order and in case, it is found feasible to grant the relief claimed by the petitioners, the same will be granted otherwise due reasons will be mentioned in the speaking order to be passed for not accepting the claim of the petitioners for their information and necessary action.

5. Keeping in view the facts and circumstances of the present case, the present writ petition is disposed of with the direction to the



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respondents to consider the claim of the petitioners for regularization of their services keeping in view the observation made by the Hon'ble Supreme Court of India in *Prem Singh's case (supra)* and *Jaggo's case (supra)*.

6. Apart from this, this Court has also passed an order in *CWP No.26714 of 2019 titled as Hira Devi and others vs. State of Punjab and others, decided on 19.07.2024*, which should also be kept in mind by the respondents while considering the claim of the petitioners and appropriate order regarding the claim of the petitioners shall be passed within a period of eight weeks from the date of receipt of copy of this order.

March 18, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No