



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

Date of Decision:18.11.2025

CWP- 24872 of 2017(O&M)

Bhim Singh

....Petitioner

VS.

State of Punjab and others

....Respondents

CWP- 6314 of 2018(O&M)

Mithlesh Kumar and others

....Petitioners

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr. Madan Lal, Advocate
for the petitioner(s)**

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP No.24872 of 2017 and CWP No. 6314 of 2018 are hereby adjudicated as common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP 24872 of 2017.



2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 29.07.2017 (Annexure P-4) whereby he was reverted to contingent paid (whole time) post from his regular appointment.

3. The petitioner joined Commando Training Centre, Qila Bahadurgarh, Patiala on 19.07.2007 as contingent paid staff. He was regularized on 31.12.2016 along with others as Class IV. In the appointment letter, it was incorporated that he would have to clear Punjabi subject of 8th Standard within six months from the date of appointment letter. The petitioner cleared Punjabi subject of 10th Standard still was reverted without show cause notice and opportunity of hearing. As per reply, the petitioner was regularized vide order dated 31.12.2016. He was required to qualify Punjabi examination of 8th standard. Information of regularization of contingent paid employees was sent to office of DGP which cancelled regularization order on the ground that petitioner and others did not qualify condition as per instructions dated 23.01.2003 issued by State Government. As per Punjab Ad-hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016 (for short '2016 Act'), 8th standard with Punjabi subject is requisite educational qualification.

4. Learned counsel for the petitioner submits that petitioner was regularised vide order dated 31.12.2016. Order of regularisation was revoked vide order dated 29.07.2017 without issuing show cause notice and granting opportunity of hearing. The impugned order was *prima facie* bad in the eye of law on account of violation of principles of natural justice. The petitioner cleared Punjabi subject of 8th Standard within six months from the date of regularisation. His order of regularisation was revoked on the sole



ground that on the date of regularisation he had not passed Matriculation with Punjabi subject though he was matriculate without Punjabi subject. He was regularized as per 2016 Act and there was no cut off date in the said Act, thus, his date of regularization could be considered the date on which he cleared Punjabi subject of 10th Standard.

5. *Per contra*, Mr. Aman Dhir, DAG, Punjab submits that regularisation of petitioner was contrary to provisions of 2016 Act read with Clause (d) of Rule 5 of the Punjab State (Class-IV) Service Rules, 1963 (for short '1963 Rules'). The petitioner concededly cleared Punjabi subject of 10th Standard within six months, however, on the date of regularization he was not possessing requisite qualification, thus, respondent was bound to revert him. It was an administrative decision, thus, there was no need to grant opportunity of hearing. The order of regularisation was passed contrary to statutory provisions, thus, was liable to be revoked.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. From the perusal of record, it is evident that petitioner was regularized in terms of Section 4 of 2016 Act. The said Section reads as:-

4. (1) *Notwithstanding anything contrary contained in any law, judgment, decree or order of any court, tribunal or any other authority, services of such Group 'D' employees, who are working on ad hoc, contractual, daily wage, temporary or work charged basis under the State Government or its entities for a continuous period of not less than three years preceding the date of coming into force of this Act shall be regularised by the competent authority in such service of the State*



Government or its entities, subject to the following conditions, namely:-

- (a) fulfil the eligibility with regard to minimum and maximum age limit;*
- (b) possess requisite educational qualification and experience as specified for the post under the service rules at the time of initial appointment;*
- (c) satisfactory verification of antecedents;*
- (d) have good character and conduct; and*
- (e) have not been indicted or undergoing any civil, criminal or departmental proceedings:*

Provided that the entities of the State shall consider regularization only if such entity is in a financial position to take the burden of such regularization on its own without transferring any liability to the State exchequer.

(2) During the probation period, a person regularised under this section shall be entitled to draw salary at the minimum of the Pay Band applicable to the post against which his services have been regularised in Group 'D' service, or actual remuneration being received at the time of regularization, whichever is more."

8. As per aforesaid Section, an employee is required to possess requisite educational qualification and experience as specified for the post under the Service Rules at the time of initial appointment. As per Clause (d) of Rule 5 of 1963 Rules as amended by the Punjab State (Class-IV) Service (First Amendment) Rules, 2003, a candidate is required to have passed examination of Middle Standard with Punjabi language as one of the subjects from recognized institution. Clause (d) in the present form was added to 1963 Rules by 2003 amendment which reads as:-



“(d) has passed examination of Middle-Standard with Punjabi Language as one of the subjects from a recognised educational institution:

Provided that the educational qualification shall be fifth standard with Punjabi Language in the case of a person appointed to the service on compassionate grounds, as a dependant of deceased Government employee:

Provided further that the condition of educational qualification shall not apply to a person appointed to the service-

- (i) in the case of blind-person;*
- (ii) in the case of widow appointed on compassionate grounds; and*
- (ii) in case of riot/terrorist affected person(s);*
- (iv) in the case of a person appointed to the service as a sweeper :*

Provided further that where appointment to the service is offered to a war hero who has been discharged from defence services or para-military forces, on account of disability suffered by him or his widow or dependant member of his family, under the instructions issued in this behalf by the Government such person shall not be required to possess the requisite knowledge of regional languages and of English as may be prescribed by the Government from time to time. Such persons shall also be not required to possess experience even on technical posts.”

9. The petitioner concededly at the time of regularization was not possessing Middle Standard Certificate with Punjabi language as one of the subjects from recognized educational institute. He was Matriculate on the said date without Punjabi language as one of the subjects. He passed

Punjabi subject of 10th Standard in April-May’ 2017. He was regularized in terms of 2016 Act. There was no cut off date in the said Act, thus, he might not be regularized prior to passing Punjabi subject of 10th Standard, however, he became eligible for regularization the moment he passed Punjabi subject of 10th Standard because he was complying with all other requisite conditions. The respondent was bound to consider him for regularization from the date he passed Punjabi subject of 10th Standard though requirement was of 8th Standard. During the course of hearing, it has been revealed by learned State counsel that 2016 Act was repealed in 2021. There is no dispute that Act remained in force from 2016 to 2021. The claim of petitioner needs to be reconsidered from the date of passing Punjabi subject of 10th Standard.

10. In the wake of above discussion and findings, the respondents are hereby directed to reconsider claim of petitioners in the light of above observations. Let the needful be done within six weeks from today. It is made clear that if claim of petitioners is accepted, they would not be entitled to arrears, however, would be entitled to notional benefits.

11. Petitions stand disposed of in above terms.

12. Pending Misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

18.11.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	