

2025:PHHC:124819



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

214

CWP-24614-2018  
DECIDED ON:05.09.2025

RAJIV KAUSHAL AND OTHERS

...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Neeraj Sharma, Advocate  
for the petitioners.

Mr. Rahul Dev Singh, Addl. AG, Haryana.  
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SANDEEP MOUDGIL, J

**1. Prayer**

Petitioners are seeking writ of *certiorari* to quash the order dated 04.12.2017 (Annexure P-8) passed by Respondent No. 3, rejecting the petitioners' claim for regularization from 01.10.1988, contrary to the Government policy dated 06.04.1990 (Annexure P-2) which includes work-charged employees further seeking a writ of *Mandamus* directing the respondents to regularize the services of the petitioners w.e.f. 01.10.1988 in terms of the said policy, the Supreme Court's judgment in *State of Haryana vs. Piara Singh* (C.A. No. 2979/1990), and this Hon'ble Court's judgment dated 30.07.2012 in CWP No. 16476 of 1997 (Annexure P-9), as granted to similarly situated employees.

**2. Brief Facts**

The petitioners were initially appointed as work-charged employees

in the Department of Irrigation, Government of Haryana between 1979 and 1983, and their services were later regularized with effect from 31.03.1993. However, as per the Government of Haryana's policy dated 06.04.1990, which was also placed before the Hon'ble Supreme Court in *State of Haryana vs. Piara Singh 1992 SCC (4) 118*, work-charged employees who had completed four or more years of continuous service as on 30.09.1988 were eligible for regularization w.e.f. 01.10.1988. The petitioners, having completed the required service before 30.09.1988, were legally entitled to be regularized from 01.10.1988, but were wrongly regularized from 31.03.1993 under a subsequent notification dated 01.06.1993, which was meant only for ad-hoc employees, not work-charged employees. Upon learning about the correct policy, the petitioners submitted representations and legal notices. The authorities initially rejected the claim citing delay. Later, after filing CWP No. 4588 of 2016 and LPA No. 2223 of 2017, the Division Bench of this Hon'ble Court directed the competent authority to reconsider their claim. Despite this, the claim was again illegally rejected by Respondent No. 3 vide order dated 04.12.2017(Annexure P-8), stating that the 1990 policy applied only to ad-hoc employees a factually and legally incorrect interpretation, as the policy explicitly includes work-charged employees under Category-II.

The petitioners rely on the binding judgment in *Piara Singh (supra)*, as well as a similar judgment dated 30.07.2012 in CWP No. 16476 of 1997, where similarly situated employees were granted the benefit of regularization w.e.f. 01.10.1988.

### 3. Contentions

#### On Behalf of the petitioners

Learned counsel for the petitioners submits that the petitioners were appointed as work-charged employees in the Department of Irrigation,

Government of Haryana between the years 1979 and 1983, and have rendered continuous service since their initial appointment. Their services were later regularized w.e.f. 31.03.1993 policy prevailing at that time. That as per the Government of Haryana's Policy dated 06.04.1990 (Annexure P-2), work-charged employees who had completed four or more years of continuous service as on 30.09.1988 were entitled to be regularized w.e.f. 01.10.1988. The policy categorically includes work-charged employees under Category-II, and hence the petitioners squarely fall within the eligibility criteria.

It is further argued that the said policy was also considered by the Hon'ble Supreme Court in *Piara Singh's case (supra)* decided on 12.08.1992. wherein the Apex Court accepted the policy and directed its implementation. Consequently, the petitioners are entitled to the same benefits as others who were regularized under the said policy. That despite fulfilling all eligibility conditions under the 1990 policy, the petitioners were regularized much later w.e.f. 31.03.1993 under a different policy dated 01.06.1993, which applies only to ad-hoc employees which is arbitrary and violative of the principles of equality under Article 14 and 16 of the Constitution of India.

He further contends that the impugned rejection order dated 04.12.2017 (Annexure P-8) is based on an incorrect and unreasonable interpretation of the 1990 policy, stating that it applies only to ad-hoc employees. In fact, the policy explicitly applies to work-charged employees under a separate category. The rejection order is, therefore, legally unsustainable and deserves to be quashed. That similar situated employees have already been granted the same relief by this Hon'ble Court in CWP No. 16476 of 1997, decided on 30.07.2012, wherein the court directed regularization of their services w.e.f. 01.10.1988. That the action of the respondents in denying regularization from the rightful date is discriminatory,

arbitrary, and violative of Articles 14 and 16 of the Constitution of India. By regularizing similarly situated employees and denying the same to the petitioners, the respondents have acted in a patently unjust and unconstitutional manner.

**On behalf of respondents.**

Per contra Learned state counsel vehemently argues that the claim raised by the petitioners for regularisation is at a very belated stage in the year 2014, seeking regularization from 01.10.1988 (or 30.09.1988), is based on a misinterpretation of a draft policy (Annexure P-2), which was never officially issued or notified by the Government of Haryana and had no force of law. That the operative portion of the judgment in Piara Singh's case, and the Government's subsequent Memo dated 28.04.1997 (Annexure R-6), make it clear that the instructions accepted and implemented by the State pertained only to ad-hoc Class III employees, and not to work-charged, daily wage, or casual workers.

He further submits that the applicable policy for work-charged employees was the one issued vide Memo No. 6/4/1990-2GSI dated 03.12.1993 / 27.05.1993 (Annexures R-7 and R-8), under which the services of eligible work-charged employees were to be regularized w.e.f. 31.03.1993. The petitioners' services were accordingly regularized under this valid and existing policy. That the petitioners' services have already been regularized as per the lawful and prevailing policy, and there exists no legal or equitable ground for granting them the benefit of earlier regularization.

**4. Analysis**

Upon careful consideration of the submissions made by the parties and a thorough examination of the records, this Court finds that the petitioners, having been engaged as work-charged employees since the period

ranging from 1979 to 1983, have rendered continuous and dedicated service to the State of Haryana. It is evident from the material on record that the policy dated 06.04.1990 (Annexure P-2), relied upon by the petitioners, unequivocally provided for the regularization of work-charged employees who had completed four or more years of continuous service as on 30.09.1988.

The contention advanced by the respondents that the said policy was merely a draft and did not extend to work-charged employees is untenable and contrary to the plain language of the policy as well as the judicial precedent established by the Supreme Court in *Piara Singh case (supra)*. The respondents' refusal to regularize the petitioners' services w.e.f. 01.10.1988, while citing the policy of 1993 applicable only to ad-hoc employees, is neither supported by the facts nor by law. The principle of equity and natural justice mandates that employees who have served diligently and continuously under the State be afforded the benefits to which they are legally entitled.

This Court also notes that the petitioners' claim is further fortified by the consistent judicial pronouncements of this Court and the Full Bench in similar matters, one of such being CWP No. 16476 of 1997 decided on 30.07.2012 in , where similarly situated employees were granted the benefit of regularization w.e.f. 01.10.1988. which have recognized the entitlement of similarly situated employees to regularization from the earlier date of eligibility. Therefore the rejection of the petitioners' claim on the grounds raised by the respondents is held to be arbitrary, illegal, and without proper application of mind. The petitioners have earnestly and sincerely worked for the State, and their legitimate claim for regularization w.e.f. 01.10.1988 must be acknowledged and implemented forthwith. The false and untenable claims of the respondents in denying the petitioners their rightful dues cannot be permitted to stand, as justice demands recognition of the hard work and

rightful entitlement of the petitioners.

5. **Relief**

Accordingly, the petition is allowed. The respondents are directed to regularize the services of the petitioners w.e.f 01.10.1988 in accordance with the policy dated 06.04.1990 (Annexure P-2) and to grant all the consequential benefits within a period of three months from the date of this judgment.

In view of the foregoing discussions this petition stands allowed.

05.09.2025

*sham*

(SANDEEP MOUDGIL)  
JUDGE

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*