

2025:PHHC:155220



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 11.11.2025

1. CWP-8152-2015 (O&M)

Raj Kumar and others
.....Petitioners
Versus
Union of India and others
.....Respondents

2. CWP-245-2015 (O&M)

Ashok Kumar and others
.....Petitioners
Versus
State of Punjab and others
.....Respondents

3. CWP-783-2021 (O&M)

Tarlok Kumar and others
.....Petitioners
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aarish Kamboj, Advocate
for the petitioner(s) in CWP-8152-2015
and CWP-783-2021.

R.K. Arya, Advocate
for the petitioners in CWP-245-2015.

Mr. Vikas Arora, DAG, Punjab.

Mr. Anil Chawla, Advocate
for respondents No.1 and 2 in CWP-8152-2015
and for respondent No.4 in CWP-783-2021.

Mr. R. Kartikeya, Advocate
for respondents No.3 to 7 in CWP-8152-2015
for respondent No.3 in CWP-245-2015 and



for respondent No.2 in CWP-783-2021.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CWP Nos.8152 and 245 of 2015 and CWP No.783 of 2021, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP-8152-2015.

2. Prayer in the writ petition (CWP-8152-2015) filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the order dated 12.01.2015 (Annexure P-13) passed by respondent No.3. Further prayer has been made to restrain the respondents from filling the posts of Ward Attendants on which the petitioners are working since 01.09.2010 and from placing the services of the petitioners at the disposal of any outsource agency during the pendency of the writ petition. Another prayer has been made to direct respondent No.3 to release the salary of the petitioners.

3. Learned counsel for the petitioner(s) submits that although the State of Punjab has carried out a legislative exercise in order to protect the services of the contractual employees by implementing the ***Policy for Welfare of Ad hoc, Contractual, Daily Wage, Work Charged and Temporary Employees***, however, the said Policy has been kept in abeyance without issuance of any notification or substitution by a new enactment merely on the basis of a statement made by learned counsel representing the State of Punjab before the Division Bench of this



Court. Learned counsel for the petitioner(s) further submits that the petitioner(s) who were working on contractual posts for the last more than 15 years cannot be replaced by another set of contractual or outsourced employees in view of the law laid down by the Hon'ble Supreme Court in ***Hargurpratap Singh vs State of Punjab and others, 2007 (13) SCC 292***. Learned counsel for the petitioner(s) further contends that the petitioner(s) are entitled to be regularized in view of the judgments rendered by the Hon'ble Supreme Court in ***Jaggo v. Union of India and others 2025 AIR SC 296*** and ***Dharam Singh and Others v. State of U.P. and Another 2025 SCC OnLine SC 1735***. Lastly, it is submitted that the petitioner(s) would be satisfied, at this stage, in case the issue involved in the present petition(s) is considered and decided by the Empowered Committee constituted under the Punjab Dispute Resolution & Litigation Policy, 2020 (hereinafter 'Punjab Litigation Policy') which was notified vide Notification dated 25.06.2020.

4. Learned State counsel as well as learned counsel for the private respondents submits that they have no objection in case a direction is issued to the Empowered Committee constituted under the Punjab Litigation Policy for a time-bound consideration and decision of the issue involved in the present petition by passing a speaking order.

5. I have heard the submissions made by learned counsel for the parties and have perused the record with their able assistance.



6. In compliance with the order dated 20.03.2025 passed by this Court in CWP No.7727 of 2025 titled as ***Paramjit Kaur vs. State of Punjab and others*** and CWP No.7728 of 2025 titled as ***Major Singh vs. State of Punjab and others***, the Government of Punjab vide letter dated 16.04.2025, has constituted an Empowered Committee to address the various issues raised by the employees.

7. In view of the above, the captioned writ petitions are disposed of in the following terms:-

i. The Empowered Committee constituted under the Punjab Litigation Policy is hereby directed to treat the present writ petitions as a comprehensive representation and to consider and adjudicate upon the issue raised herein. In the alternative, the petitioner(s) shall be at liberty to submit a detailed representation setting out their claim within a period of two weeks from the date of receipt of a certified copy of this order.

ii. The Committee shall pass a reasoned and speaking order, after granting an opportunity of personal hearing to the petitioner(s), within a period of three months from the date of receipt of a certified copy of this order or from the date of receipt of the petitioners' representation, as the case may be. Further, the decision taken thereof shall be conveyed to the petitioner(s). Needless to say, if the petitioner(s) are found entitled to the relief sought, the same shall be granted to them forthwith.

8. Till the final decision of the Empowered Committee, the *status quo* as it exists, shall be maintained. The petitioners shall continue to be protected in terms of the principle laid down by the

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Hon’ble Supreme Court in *Hargurpratap Singh’s (supra)*, wherein it was held that even contractual employees cannot be replaced by another set of contractual or outsourced employees, as such action would be arbitrary and violative of Article 14 of the Constitution.

9. The concerned Chief Secretary or the Member Secretary of the Empowered Committee shall be at liberty to coordinate with the respective Union, since the engagement of the petitioner(s) is financially supported by the Union of India.

10. Pending miscellaneous applications, if any, shall also stand disposed of.

11. A photocopy of this order be placed on the file of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

11.11.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No