



113

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 04.12.2025

1. CWP-24609-2025 (O&M)

Baljinder Singh

... Petitioner

Vs.

Punjab Financial Corporation and another

... Respondents

2. CWP-24820-2025 (O&M)

Keshav Raj Puri

... Petitioner

Vs.

Punjab Financial Corporation and another

... Respondents

3. CWP-24614-2025 (O&M)

Amar Bahadur

... Petitioner

Vs.

Punjab Financial Corporation and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Ekta Thakur, Advocate and
Ms. Samar Kaushal, Advocate
for the petitioner(s).



Mr. Shailesh Aggarwal, Advocate
for respondent No.1 (in all cases).

HARPREET SINGH BRAR, J. (ORAL)

1. This common order shall dispose of the aforementioned three writ petitions, as they arise from similar factual matrix. However, for the sake of brevity, the facts are culled out from **CWP-24609-2025**.

2. These writ petitions have been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the orders dated 30.06.2025 (Annexure P-5), vide which case(s) of the petitioner(s) for regularization of their service have been declined and the notice dated 24.07.2025 (Annexure P-7), whereby their services have been terminated/discontinued with effect from 24.08.2025, in contravention of the judgment dated 08.04.2025 (Annexure P-3) passed by this Court in **CWP-5996-1999** titled as ***Baljinder Singh and others Vs. Punjab Financial Corporation and another***. It is further prayed to issue a writ of *mandamus* directing the respondents to regularize the services of the petitioner(s) with all consequential benefits in view of the aforesaid judgment.

3. Brief facts of the case are that the petitioners were appointed as Chowkidars on 27.05.1997 and they served the respondent-Corporation for almost 28 years. The petitioners approached this Court by way of filing the aforementioned writ petition i.e. **CWP-5996-1999** seeking regularization of their services and the same was allowed vide order dated 08.04.2025 (Annexure P-3). However, by passing the impugned speaking order dated



30.06.2025 (Annexure P-5), the claim of the petitioners was rejected by the respondents on the ground that there were no regular post(s) of Chowkidars and thereafter, vide notice dated 24.07.2025 (Annexure P-7), their services were terminated/discontinued w.e.f. 24.08.2025. Hence the present petitions.

4. Learned counsel for the petitioner(s), *inter alia*, contends that the case of the petitioner(s) is squarely covered by the judgments rendered by the Hon'ble Supreme Court in ***Jaggo Vs. Union of India and others, 2024 SCC OnLine SC 3826*** and ***Prem Singh Vs. State of Uttar Pradesh and others, passed in Civil Appeal No.6798 of 2019***, decided on 02.09.2019. Further, the issue regarding terminating the services of the petitioner(s) has already been dealt with by the Coordinate Bench of this Court in ***Baljinder Singh's case (supra)***. It is further contended that the impugned notice dated 24.07.2025 (Annexure P-7), vide which services of the petitioners have been discontinued, has been issued merely with an oblique motive to wreck vengeance from them for initiating the legal proceedings against the respondents.

5. Learned counsel for the petitioners further relies upon judgments of the Hon'ble Apex Court in ***Vinod Kumar and others Vs Union of India and others, (2024) 1 SCR 1230*** and ***Shripal and another Vs. Nagar Nigam, Ghaziabad, 2025 SCC OnLine SC 221***, wherein it has been held that providing fair and stable employment is imperative for the Government Departments, as engaging workers on temporary/contract basis for extended periods exposes the organization to legal challenges and undermines



employee morale. She also places reliance on the judgment dated 08.09.2025 passed in **CWP-25042-2025** titled as ***Hari Ram and others Vs. State of Haryana and others***, wherein the similar controversy has been resolved by this Court.

6. *Per contra*, learned counsel for respondent No.1-Corporation submits that petitioners' case is not covered by the judgment rendered by the Coordinate Bench of this Court in ***Baljinder Singh***'s case (*supra*) due to non-availability of sanctioned post of Chowkidar. However, he could not controvert the fact that the petitioners were never appointed/engaged on contract/work-charged/daily wages and part-time basis.

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

8. The issue with regard to denial of regularization on the ground of non-availability of sanctioned posts or having minimum qualification is squarely covered by the judgment of the Hon'ble Supreme Court in ***Nihal Singh Vs. State of Punjab, (2013) 14 SCC 65*** and the judgments rendered by the Division Bench of this Court in ***State of Punjab and others Vs. Sarwan Ram, 2025 NCPHHC 65364*** and ***U.T Chandigarh Vs. Anju and others, CWP-26095-2021***, decided on 12.08.2025 and by this Court in ***Hari Ram***'s case (*supra*).

9. This Court has again been constrained to observe a trend, where long term employees are engaged on *ad hoc* basis, in spite of the perennial nature of the services rendered by them. The State, being a constitutional



employer, cannot be allowed to exploit its temporary employees under the garb of lack of sanctioned posts or inability of the employees to meet educational qualifications for regular posts, when they have been consistently serving its instrumentality for a significant time period. Such an approach would be violative of fundamental rights of the temporary employees enshrined in Article 14, 16 and 21 of the Constitution of India. Further still, temporary employees cannot be forced to bear the brunt of lack of financial resources when the State had no qualms about continuously taking advantage of the services rendered with regard to integral and recurring work of the concerned department

10. In view of the facts and circumstances of the case and the aforementioned judgments rendered by the Hon'ble Supreme Court and this Court, all these three petitions are allowed. The impugned orders dated 30.06.2025 (Annexure P-5), declining the case of the petitioners for regularization of their services, and the impugned notice dated 24.07.2025 (Annexure P-7), terminating/discontinuing their services w.e.f. 24.08.2025, are hereby set aside.

11. Accordingly, the respondent-Corporation is directed to regularize the services of the petitioners and to grant all the consequential benefits within a period of six weeks from the date of receipt of certified copy of this order.

12. It is clarified that if no order of regularization is passed within the stipulated period, the petitioner(s) shall be deemed to be regularized and they



would be entitled to counting of past service and other benefits as per judgment dated 31.08.2010 passed by the Division Bench of this Court in ***Harbans Lal Vs. State of Punjab, CWP No.2371 of 2010*** and the judgment rendered by this Court in ***State of Haryana and others Vs. Jai Bhagwan, LPA No.1892 of 2019***, decided on 26.07.2024.

13. Any deviation of this judgment by the respondent-Corporation would entitle the petitioner(s) to move an appropriate application under Article 215 of the Constitution of India for initiating the contempt proceedings.

14. All the pending miscellaneous application(s), if any, shall stand disposed of.

15. Photocopy of this order be placed on the file of connected case.

[HARPREET SINGH BRAR]
JUDGE

04.12.2025
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No