



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

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**CWP-27571-2025 (O&M)
Date of decision: 16.09.2025**

Paramjit Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Somesh Gupta, Advocate
for the petitioner (through video conferencing)

Mr. Vikas Arora, DAG, Punjab.

Mr. Vikrampreet Arora, Advocate
for respondents No.3 and 4.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the speaking order dated 01.07.2025 (Annexure P-14) passed by respondent No.3 and Resolution No.74 dated 20.06.2025 (Annexure P-15) passed by respondent No.4 during contempt proceedings whereby the claim of the petitioner to regularize him w.e.f. 01.09.1992 instead of 20.07.2011 and to grant him all consequential benefits with interest, as per the judgment dated 06.10.2010 (Annexure P-3) passed by learned Civil Judge (Jr. Division), Rajpura, has been rejected. Further a writ of *mandamus* has been sought, directing the respondents to regularize the petitioner w.e.f.



01.09.1992 instead of 20.07.2011 and grant him all consequential benefits with interest and entire daily wage service from 01.09.1992 till the date of his regularization, shall be counted as qualifying service for the purpose of pension.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as Tractor Driver on daily wages in Municipal Council, Banur on 01.09.1992 and he has been continuously working without any break. Even, the respondent/Municipal Council, Banur has passed the Resolution No.36 dated 28.04.1994 (Annexure P-1/T) and Resolution No.48 dated 30.06.2000 (Annexure P-2/T), to regularize the services of the petitioner but these Resolutions were never considered and implemented. Earlier the petitioner had filed a civil suit which was decreed in his favour and the learned Civil Judge (Jr. Division), Rajpura, has declared the petitioner as a regular and permanent employee w.e.f. 01.09.1992, however, the respondent/Municipal Council, Banur, instead of complying with the judgment and decree, exerted undue influence on the petitioner and procured an affidavit from him on 27.10.2010 (Annexure P-5/T) under duress. The petitioner was given a fresh appointment as a regular Tractor Driver w.e.f. 20.07.2011 (Annexure P-9/T) severing his past service of nearly 20 years. Thereafter, the petitioner served a legal notice dated 25.12.2024 (Annexure P-10), which remained unheeded and then, the petitioner has approached this Court by filing a writ petition i.e. CWP No.10672 of 2025, which was disposed of with a



direction to decide the legal notice. The speaking order has been passed by respondent No.3 while completely ignoring the judgment and decree dated 06.10.2010 passed by learned Civil Court in favour of the petitioner.

3. *Per contra*, learned counsel for respondents No.3 and 4, appearing on advance notice, submits that if the petitioner has any grievance regarding the implementation of the judgment and decree dated 06.10.2010, an equally efficacious remedy is available to him by way of execution proceedings. Therefore, a writ petition for enforcement of the aforesaid judgment and decree is not maintainable. It is further submitted that the petitioner is raising a disputed question of fact concerning the alleged procurement of an affidavit dated 27.10.2010 by exerting pressure. The petitioner remained silent for almost 14 years and did not raise any grievance regarding the alleged duress under which the affidavit was obtained. Moreover, the respondent/Municipal Council, Banur, acted upon the Resolution dated 30.06.2000 and issued an appointment letter to the petitioner as a regular employee w.e.f. 20.07.2011.

4. Learned counsel for respondent/Municipal Council, Banur, is not in a position to controvert the fact that past service of the petitioner has not been calculated.

5. At this stage, learned counsel for the petitioner submits that he would be satisfied in case a direction is issued to the respondent/Municipal Council, Banur to consider the past service



rendered by the petitioner in terms of the judgment rendered by Division Bench of this Court in “*Harbans Lal Vs. State of Punjab and others*”, 2012(3) SCT 362, and pass a speaking order in a time bound manner.

6. Therefore, in view of the limited prayer made by learned counsel for the petitioner, respondent No.3 is directed to look into the grievance of the petitioner and count the entire daily wage service rendered by him prior to his regularization as qualifying service for the purpose of pensionary benefits, in terms of the judgment rendered by the Division Bench of this Court in *Harbans Lal’s case (supra)*.

7. Respondent No.3 shall pass a speaking order after affording an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of a certified copy of this order. The decision so taken shall be duly communicated to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted to him forthwith by the concerned respondent.

8. Disposed of, accordingly.

(HARPREET SINGH BRAR)
JUDGE

16.09.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No