



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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Date of Decision: 13.08.2025

(1)

CWP-31614-2024

SAROJ BALA

... Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

(2)

CWP-1490-2025

DALEL SINGH

... Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. R.N. Lohan, Advocate
for the petitioner(s)(s) in CWP-1490-2025.

Mr. Chander Pal Tiwana, Advocate
for the petitioner(s)(s) in CWP-31614-2024.

Mr. R.D. Sharma, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

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Involving identical issues of law, both these writ petitions are being decided by a common judgment. For facility of reference facts are however been extracted from CWP-31614 of 2024 titled “***Saroj Bala versus State of Haryana and another***”.

2. The petitioner was appointed as a Clerk on daily wages in the Haryana State Lotteries Department on 17.12.1993 and continued to serve in that capacity till 30.04.1996, when her services came to be illegally and arbitrarily terminated. Aggrieved, she raised an industrial dispute which culminated in an Award dated 02.06.2003, whereby reinstatement with continuity of service, though without back wages, was directed in her favour. Subsequently, the Government of Haryana issued a regularization policy on 01.10.2003, providing that daily wage employees who had completed more than three years of service would be entitled to regularization. The petitioner fulfilled all conditions of eligibility under the said policy and thus became entitled to regularization with effect from 01.10.2003. However, despite the clear mandate of the Award as well as the policy, the respondents neither permitted the petitioner to rejoin service nor extended the benefit of regularization. The petitioner thereafter submitted a representation along with a copy of the Award, followed by a reminder, but the same was not considered. Instead, juniors to the petitioner were granted regularization by the respondents. The particulars of seven daily wage employees, appointed after the petitioner yet regularized by the respondents, are tabulated as under: –

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Sr. No.	Particulars	Date of joining as daily wages	Date of regularization
1	Surender Kumar S/o Sh. Gurdial Singh	--	27.02.2004 w.e.f. 01.10.2003
2	Surender Kumar S/o Sh. Ranjeet Singh	--	27.02.2004 w.e.f. 01.10.2003
3	Mukesh Kumar S/o Sh. Ram Mehar	--	27.02.2004 w.e.f. 01.10.2003
4	Rajbir Singh S/o Sh. Sube Singh.	17.01.1994	27.02.2004 w.e.f. 01.10.2003
5	Balwan Singh S/o Sh. Rich Pal Singh	24.01.1994	27.02.2004 w.e.f. 01.10.2003
6	Chandi Ram S/o Sh. Jagat Ram,	03.02.1994	27.02.2004 w.e.f. 01.10.2003
7	Satyawan S/o Sh. Kanwar Singh	08.02.1994	27.02.2004 w.e.f. 01.10.2003

3. It is only with the intervention of the Labour Officer during the conciliation proceedings that the petitioner was allowed to rejoin w.e.f. 21.04.2004 pursuant to the order dated 12.04.2004.

4. The petitioner then submitted the representation for regularization in view of the policy dated 01.10.2003. Needless to mention that such benefit of regularization was extended to five more persons vide order dated 15.06.2004 but the petitioner was still left out.

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5. Upon continued inaction by the respondents, the petitioner(s) was constrained to file CWP-10608 of 2004, praying for regularization from the date his juniors were so regularized. The said writ petition was disposed of by the Division Bench vide order dated 20.07.2004, directing the competent authority to decide the petitioner(s)' claim by passing a reasoned and speaking order.

6. The claim of the petitioner(s), however, was rejected by the respondents, compelling the petitioner(s) to once again approach this Court by filing CWP-17075 of 2004. The said writ petition was allowed vide order dated 18.07.2005, directing the respondents to regularize the services of the petitioner(s) w.e.f. 01.10.2003. A cost of Rs. 5,000/- was also imposed upon the respondent-State.

7. Learned counsel further submits that another similarly situated employee, namely Karambir Singh, who was also appointed as a daily wager on 04.08.1993 and whose services were terminated on 11.03.1996, was reinstated pursuant to the Labour Court Award dated 15.03.2004 granting reinstatement with continuity of service and 50% back wages. He rejoined service on 02.06.2005. Said Karambir Singh too had filed CWP-12927 of 2005 seeking regularization, which was disposed of vide order dated 16.12.2005 in the same terms as the judgment dated 18.07.2005 in the petitioner(s)' case.

8. Against the said order dated 16.12.2005, the respondents preferred SLP (Civil) No. 10987 of 2006 titled State of Haryana and another v. Karambir Singh, followed by Review Petition No. 1334 of 2006. Both

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were dismissed at the preliminary stage by the Hon'ble Supreme Court. Consequently, the judgment dated 16.12.2005 in Karambir Singh's case, which was based upon the judgment dated 18.07.2005 in the case of the petitioner(s), attained finality up to the Hon'ble Supreme Court. The services of Karambir Singh were thereafter regularized vide office order dated 04.01.2007 w.e.f. 01.10.2003.

9. However, despite the binding judgment dated 18.07.2005 in favour of the petitioner(s), the respondents filed CWP-13335 of 2005 challenging the Labour Court Award dated 02.06.2003, that too belatedly, i.e., after more than one and a half years of the Award and over one and a half months after the judgment directing regularization. The writ petition was admitted on 25.08.2005 and initially staying the operation of the Award. The petitioner(s) hence filed a detailed written statement along with an application for vacation of stay. When the concealment of facts by the respondents was brought to the notice of the Court, the Director, Haryana State Lotteries, was directed vide order dated 07.10.2005 to remain present and file an affidavit explaining the lapses. A specific affidavit was thereafter filed by the Joint Director, admitting the concealment. Consequently, vide order dated 09.06.2006, the interim stay dated 25.08.2005 was vacated. Learned counsel submits that despite the judgment dated 18.07.2005 in CWP-17075 of 2004 having attained finality in view of the dismissal of the SLP in Karambir Singh's case, the respondents yet preferred another SLP (Civil) No. 23428 of 2005 titled State of Haryana and others v. Saroj Bala and others. In that matter, the Hon'ble Supreme Court

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however remanded the case to the High Court for a fresh consideration vide order dated 17.01.2007. Eventually, vide order dated 16.01.2015, as modified on 09.10.2017, the services of the petitioner(s) were regularized w.e.f. 01.10.2003, but with notional benefits from the said date till 17.06.2014 and actual benefits only w.e.f. 18.06.2014. It is contended that CWP-17075 of 2004, which was remanded by the Hon'ble Supreme Court, ultimately came to be decided by this Court on 11.09.2014 with granting liberty to the petitioner to raise a fresh challenge to the order of regularization while CWP-13335 of 2005 filed by the respondents against the Labour Court Award dated 02.06.2003 was disposed of as having been rendered infructuous.

10. Aggrieved by the action of the respondents whereby only notional benefits have been granted to the petitioner(s) for the period 01.10.2003 to 17.06.2014, without extending the consequential actual monetary benefits, and further being dissatisfied with the order dated 16.01.2015, as subsequently modified on 09.10.2017, the present writ petition has been filed seeking grant of actual benefits with effect from the aforesaid date.

11. He contends that the action of the respondents in withholding the actual benefits from the date of regularization is wholly arbitrary and discriminatory, particularly when such benefits have already been conferred upon similarly situated employees.

12. Counsel for the respondents, on the other hand, submits that the claim of the petitioner(s) stands on a footing distinguishable from that of

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Karambir Singh, inasmuch as the case of Karambir Singh had attained finality prior to 2007. He further contends that, pursuant to the pronouncement of the Hon'ble Supreme Court in State of Karnataka v. Uma Devi, all prevailing regularization policies stood withdrawn, and consequently, the benefit of regularization could not have been extended to the petitioner(s). It is argued that only upon revival of the earlier policies in the year 2014 was the benefit of regularization conferred upon the petitioner(s). He also submits that, at the relevant point of time, there were no sanctioned posts available, and therefore the grant of actual benefits was not feasible. Hence, the petitioner(s) were accorded notional benefits from the date of regularization, with actual benefits being made available only from the date of revival of the policy and the availability of sanctioned posts.

13. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present writ petition.

14. The present lis, in its essence, is nothing but a reflection of persistent high-handedness on the part of the respondent-Department, whereby a workman has been subjected to avoidable multiplicity of proceedings arising from technicalities which ought not to have arisen in the first place. It stands undisputed that the Labour Court Award in favour of the petitioner(s) was rendered on 02.06.2003, and that pursuant thereto the petitioner(s) was re-inducted in service on 21.04.2004. It is equally undisputed that the petitioner(s) fulfilled the requisite eligibility criteria prescribed under the then prevailing policy and that the respondents

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themselves regularised the services of the petitioner(s) with effect from 01.10.2003. Not only this, a Division Bench of this Court, vide judgment dated 18.07.2005, specifically directed regularisation of the petitioner(s) and even imposed costs of Rs. 5,000/- on the respondents for their dilatory conduct. The said judgment was also relied upon by the Division Bench rendered in the matter of the petitioner herein while granting relief to one Karambir Singh, in whose case the Hon'ble Supreme Court dismissed both the SLP as well as the Review Petition preferred by the State. Despite these binding directions, the respondents thereafter resorted to challenge the very Labour Court Award of 2003 and succeeded in obtaining an interim stay, by not disclosing the fact of regularization already having been ordered by this Court. Once the said concealment was brought to light, the interim order stood vacated. Even still, the respondents continued to deny to the petitioner(s) the actual benefits from the date extended to similarly placed persons, including juniors, on the pretext that (i) the regularisation policy had been eclipsed by the dictum in State of Karnataka v. Uma Devi (2006) 4 SCC 1, and (ii) that sanctioned posts were not available till revival of the policy in 2014. On that premise, only notional benefits were extended for the interregnum, while actual benefits were restricted from 18.06.2014 onwards.

15. I find such reasoning wholly unsustainable. Once the Division Bench of this Court had, in 2005, directed regularisation, and once the petitioner(s) had been reinstated in service pursuant to the Labour Court Award of 2003, the respondents were duty-bound to extend all

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consequential benefits under the 2003 policy, at par with other similarly placed employees. The plea of pendency of litigation should not, in law, be employed to the prejudice of a workman, nor can the absence of sanctioned posts be cited as a ground when juniors of the petitioner(s) were in fact conferred the very benefits being denied here. In these circumstances, these writ petitions are allowed by holding that the petitioner(s) are entitled to notional benefits with effect from 01.10.2003 till 20.04.2004, and to actual benefits with effect from 21.04.2004 onwards, i.e., the date of reinstatement pursuant to the Labour Court Award. The respondents are accordingly directed to re-compute the admissible benefits to the petitioner(s) by extending the notional benefits w.e.f. 01.10.2003 till 20.04.2004 and actual benefits w.e.f. 21.04.2004 onwards i.e. the date when he resumed duties. Let the needful be done by the respondents within a period of three months of receipt of certified copy of this order, failing which the petitioner(s) shall be entitled to the said benefits alongwith interest @ 6% per annum.

AUGUST 13, 2025*Vishal Sharma***(VINOD S. BHARDWAJ)
JUDGE**

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