



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

LPA No.1125 of 2025 (O&M)

Date of Decision: 08.08.2025

PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LIMITED AND ANR

.....Appellants

Versus

HARBHAJAN SINGH

.....Respondent

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Anamika Sheoran, Advocate for
Mr. Vikas Singh, Advocate,
for the appellant.

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ANUPINDER SINGH GREWAL, J. (Oral)

CM-2771-LPA-2025

This is an application seeking condonation of delay of 65 days
in re-filing the appeal.

For the reasons stated in the application, the same is allowed.
Delay of 65 days in re-filing the appeal is condoned.

Main Appeal

The appellants have challenged the judgment of the learned
Single Bench dated 19.11.2024 passed in petition bearing CWP No.16877-
1998, whereby the writ preferred by the respondent seeking his
regularization in service w.e.f. 18.01.1994, at par with his junior, namely
Shiv Narain has been allowed.



2. Learned counsel appearing for the appellant-MARKFED submits that the impugned judgment allowing the regularisation of services of the respondent w.e.f. 18.01.1994 is erroneous as the respondent had raised the industrial dispute in the year 1993, although his services were terminated on 01.03.1988. The Labour Court by its award dated 25.04.1995, had directed reinstatement of the respondent with continuity in service but without back wages. He was accordingly taken back in service on 02.01.1996 and therefore, the appellant-MARKFED was justified in regularising his service w.e.f. 17.12.1996. The respondent cannot be allowed to take benefit of delay on his part.

3. Heard.

4. The respondent-workman was appointed as a *Chowkidar* on daily wage basis with the appellant-MARKFED on 01.09.1986. One, Shiv Narain was also appointed as a *Chowkidar* on 19.04.1987. Their services were terminated on 01.03.1988. The respondent raised a demand notice on 02.10.1989. However, the reference was withdrawn by him on 23.10.1990, citing certain defects. A fresh demand notice was raised on 25.11.1993, and the Labour Court by the award dated 25.04.1995 (Annexure P-7), directed that the respondent be reinstated with continuity of service but without back wages. This award was challenged by the appellant-MARKFED as well as the respondent by preferring separate writ petitions. The writ petition of the appellant-MARKFED bearing CWP No.14808-1995 was dismissed on 12.10.1995, while the writ of the respondent bearing CWP No.6167-1996 was partly allowed on 28.01.1998 and the award of the Labour Court was



modified to the extent that he was also held entitled to the benefit of 50% back wages in addition to his reinstatement. During pendency of the writ petition preferred by the respondent, he was taken back in service on 02.01.1996. He also filed CWP-11849-1996 seeking benefit of regularisation from the date similarly situated employee was regularised. This writ petition was disposed of with a direction to decide his representation dated 07.06.1996 (Annexure P-2). Vide order dated 17.12.1996 (Annexure P-5) passed by the appellant-MARKFED, he was regularised in service from that date.

5. This action of the appellant-MARKFED was challenged by the respondent by preferring petition bearing CWP No. 16877-1998 wherein he had sought direction to the appellant-MARKFED to regularize his service w.e.f. 18.01.1994, i.e., the date when his junior, namely, Shiv Narain was regularized. The said writ petition was allowed by the judgment of the Single Bench on 19.11.2024 and the respondent was held entitled for regularization of his services w.e.f. 18.01.1994, whereas, the services of his junior were regularized. This judgment of the Single Bench has been challenged by the appellant-MARKFED in the instant LPA.

6. It is manifest that the services of the respondent as well his junior, Shiv Narain, were terminated on 01.03.1988. Both had raised their respective industrial disputes before the Labour Court. While the award granting benefit of reinstatement with continuity in service in Shiv Narain's case was passed on 25.03.1992 but in case of the respondent the award was passed on 25.04.1995. Shiv Narain was reinstated in the year 1995 and his



services were regularised w.e.f. 18.01.1994. However, the respondent had been reinstated on 02.01.1996 but was regularised only on 17.12.1996.

7. Indubitably Shiv Narain is junior to the respondent, having been appointed on 19.04.1987. The only ground raised by the appellant to deny him parity, is the delay of 3 years on part of the respondent in raising the industrial dispute. The award of the Labour Court granting continuity in service has been upheld by this Court, and the plea of delay raised therein by the appellant was rejected. The respondent was working on a Class-IV post and the delay cannot be the sole ground to defeat his legitimate claim.

8. It is trite, that when any junior has been regularized in service under the same regularization policy, then the senior employee will *ipso facto* become entitled to regularization of his/her services from the date the services of his/her junior stood regularized subject to fulfilment of conditions as mentioned in the applicable regularization policy. Furthermore, it is the duty of the employer to maintain parity among its employees. The employer, more so when it is an instrumentality of the State, is expected to be a model employer, and cannot take shelter of delay and laches to defend the unequal and arbitrary treatment and putting the junior employees to benefit as against their seniors. In the case of ***State of Karnataka v. C. Lalitha, (2006) 2 SCC 747*** the Supreme Court has held that service jurisprudence requires that all similarly situated persons have to be treated similarly and only because one employee approached the Court would not mean that similarly situated persons have to be discriminated. The Supreme held has under:-



“29. Service jurisprudence evolved by this Court from time to time postulates that all persons similarly situated should be treated similarly. Only because one person has approached the court that would not mean that persons similarly situated should be treated differently. It is furthermore well settled that the question of seniority should be governed by the rules. It may be true that this Court took notice of the subsequent events, namely, that in the meantime she had also been promoted as Assistant Commissioner which was a Category I post but the direction to create a supernumerary post to adjust her must be held to have been issued only with a view to accommodate her therein as otherwise she might have been reverted and not for the purpose of conferring a benefit to which she was not otherwise entitled to.”

9. Furthermore, it has been held in case of ***State of U.P. v. Arvind Kumar Srivastava, (2015) 1 SCC 347*** that when a particular set of employees is given relief then all identically situated persons need to be treated alike by extending that benefit and not doing so would amount to discrimination and would violate Article 14 of the Constitution of India. It is further held that this principle is more important in service matters. The Hon’ble Supreme Court held as under:-

“22.1. The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.”



Therefore, the claim of respondent seeking regularisation of his services from the date his junior was regularised, appears to be apt.

10. In view of the above, we do not find any illegality in the judgment of the learned Single Bench allowing the writ petition preferred by the respondent directing regularization of the respondent w.e.f. from the date when services of his junior, namely, Shiv Narain, has been regularized. Consequently, the Letters Patent Appeal being devoid of any merit stands dismissed.

11. All pending miscellaneous application(s) also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

08.08.2025
Sandeep

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No