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

CWP-37875-2025

Date of decision: 23.12.2025

Gurmeet Singh and another

....Petitioners

Versus

State of Punjab and others

...Respondents

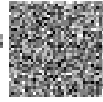
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Surinder Garg, Advocate
for the petitioners.

Mr. Vikas Arora, DAG, Punjab.

Mr. Shiv C. Bhola, Advocate
for respondent No.5.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to allow the petitioners to join the duties on the post of helpers instead of Safai Sewaks and further, petitioners be paid the salaries w.e.f. 15.06.2025 till date for the post of helper.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners were appointed as Helpers in the year 1997. The petitioners raised industrial dispute when their services were illegally terminated. After passing of the award, they were reinstated as Helpers on 08.09.2020. They were deputed to collect Adda Fees at a bus stand till 14.06.2025 after which the work was contracted out. Now the petitioners are being compelled to perform the duties of Safai Sewaks in different cadres instead of Helpers. Despite of

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repeated requestes and legal notices, the respondents have not allowed them to join as Helpers, effectively denying them work and salary since 15.06.2025. The respondent cannot compel the employees to perform duties of a cadre different form the one they are appointed to. The action is arbitrary and amounts to harassment. Depriving the petitioners of work and salary for refusing an illegal assignment is unjust and violates their service conditions.

3. Learned counsel for respondent No.5 submits that the petitioners were initially appointed as Helpers to the Safai Karamcharis, as such, they cannot refuse to work.

4. In rebuttal, learned counsel for the petitioners submits that the stand taken by learned counsel for the respondent-Corporation is totally misconceived and misplaced. He refers to the Punjab Municipal Safai Karamchari Service Rules, 1984 (Annexure P-16) and submits that there is no post provided as of Helper, whereas, the service of the petitioners is governed by the Punjab Municipal Employees (Class-IV) Service Rules, 1986 and appendix 'A' attached with the Rules clearly indicates that Helper is a different post of different cadre.

5. Learned counsel for the petitioner further submits that he would be satisfied if the legal notice (Annexure P-14) of the petitioners is decided by respondent No.5 by passing a speaking order in a time bound manner.

6. Learned State counsel, appearing on advanced notice as well as counsel for respondent No.5, submit that they have no objection in case a direction is issued to respondent No.5 for time-bound consideration and decision of the legal notice of the petitioners by passing a speaking order.

7. Therefore, in view of the limited prayer made by learned counsel for the petitioners, respondent No.5 is directed to consider the legal notice (Annexure P-14) of the petitioners and pass a speaking order, after affording them an opportunity to be heard, within a period of 02 months from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioners. Needless to say, if the petitioners are found entitled to the relief sought, the same shall be granted forthwith by respondent No.5.
8. Disposed of, accordingly.

(HARPREET SINGH BRAR)

JUDGE

23.12.2025

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No