



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

129

CWP-1183-2026

Date of Decision: 19.03.2026

KASHMIR SINGH BHINDER

...Petitioner

Vs.

STATE OF PUNJAB AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. K.S. Brar, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 06.02.2025 whereby respondents have reinstated private respondents despite their dismissal from service.

2. On 12.02.2026, the following order was passed by this Court:-

“Counsel for the petitioner contends that respondents No.5 to 7, who were working under the MGNREGA scheme, were terminated vide order dated 29.08.2023, Annexure P-5, and a writ petition filed by them, was dismissed by this Court on 11.09.2023, Annexure P-6. Counsel submits that a criminal case has been registered against them and in a petition filed before this Court, vide order dated 15.07.2024, this Court stayed further proceedings before the Trial Court. Counsel contends that private respondents misrepresented before the authorities and they have been reinstated by virtue of impugned order dated 06.02.2025, Annexure P-9.

Advance copy of the petition has been served upon the official respondents.

On asking of the Court, Mr. Siddharth Sandhu, AAG, Punjab, puts in appearance on behalf of respondents No.1 to 4 and requests for deferment to get instructions.

List on 19.03.2026.”

3. Learned State counsel submits that private respondents have been re-engaged because of stay of criminal proceedings by this Court. It is not a permanent post. The private respondents have been engaged under MGNREGA Scheme which guarantees job for minimum 100 days.
4. The petitioner is claiming that private respondents should not be protected under MGNREGA Scheme. Under MGNREGA Scheme, the State is not extending permanent job/post. The Service Rules are inapplicable. MGNREGA Scheme is guarantee of the State to provide employment for minimum days of the year. It is not a permanent job, thus, this Court does not find it appropriate to ask the respondent not to engage private respondents because it would deprive them from their fundamental right of livelihood.
5. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.
6. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

March 19, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No