



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
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Date of decision: 03.02.2026

1. CWP-4511-2022

Ashwani Kumar and others
.....Petitioners
Versus
State of Haryana and others
.....Respondents

2. CWP-6049-2022

Zile Singh and others
.....Petitioners
Versus
State of Haryana and others
.....Respondents

3. CWP-11069-2022

Hawa Singh and others
.....Petitioners
Versus
State of Haryana and others
.....Respondents

4. CWP-29927-2022

Satbir Singh and others
.....Petitioners
Versus
State of Haryana and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.S. Antal, Advocate
for the petitioners in CWP-4511-2022.

Mr. Bharat Singh, Advocate
for Mr. Keshav Pratap Singh, Advocate
for the petitioners in CWP-6049-2022.

Mr. Nitin Sharma, Advocate (through video conferencing)
for the petitioner(s) in CWP Nos.11069 & 29927 of 2022.

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Mr. Narender Kumar Vashist, Senior Panel Counsel
for respondent No.2/UOI in CWP-6049-2022.

Mr. Deepak Balyan, Advocate
with Mr. Vicky Chauhan, Advocate
for respondent No.2/Sugarfed in all the cases.

Mr. Pawan Kumar Mutneja, Sr. Advocate
with Ms. Suverna Mutneja, Advocate
Ms. Harmanjot Kaur, Advocate
for respondent No.4 in CWP-4511-2022.

Mr. Jagdeep S. Rana, Advocate
and Mr. Arvind K. Bangar, Advocate
for respondent/Mill in CWP-4511-2022.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CWP Nos.4511, 6049, 11069 and 29927 of 2022, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP-4511-2022.

2. Prayer in the writ petition (CWP-4511-2022) filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents for protection of pay of the petitioners on the basis of past service rendered by them in erstwhile The Bhuna Cooperative Sugar Mills and for grant of benefit of ACP to the petitioners on the basis of past service rendered by them in erstwhile The Bhuna Cooperative Sugar Mills in continuation of present service on the basis of parity with co-employees of Bhuna Cooperative Sugar Mills.

3. Learned counsel for the petitioners, *inter alia*, contends that the petitioners are employees of erstwhile Bhuna Cooperative Sugar

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Mills and there were 688 employees working in the erstwhile Bhuna Cooperative Sugar Mills and it was sold by the official liquidator to M/s. Wahid Sandhar Sugars Limited, which was registered under the Companies Act. The said sugar mill was sold on 'as is where is' basis. However, the purchaser could not run the sugar mill for long period and the employees thereof became jobless. The numerous ex-employees have been adjusted by sending them in other mills in the State of Haryana. The respondents have adopted an arbitrary approach by accommodating some employees in HAFED and extending all benefits to them whereas the petitioners have been unfairly discriminated. Learned counsel for the petitioner further submits that the petitioners have been denied the pay protection on the basis of the past service rendered by them in erstwhile Bhuna Cooperative Sugar Mills and the petitioners are also claiming benefits of ACP on the basis of past service on the ground that once the similarly situated employees have been granted the said benefits, the Sugar Mills cannot deny the same to the petitioners.

4. Learned counsel for the petitioners (in CWP Nos.11069 & 29927 of 2022) has relied upon the judgment rendered by the Hon'ble Supreme court in **Civil Appeal No.4446 of 2008 (arising out of SLP(C) No.14099 of 2006)**, titled as ***State of Haryana and another vs Deepak Sood and others***, decided on **15.07.2008** and submits that when an employee absorbed or transferred from one department to another he/she may lose the seniority in the new department, however, their past

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service must be counted for the purpose of other benefits such as pay fixation, pensionary benefits, and the grant of ACP grades.

5. *Per contra*, learned counsel for the respondent(s) opposes the prayer made by learned counsel for the petitioners on the ground that the controversy involved in the present petition has been dealt with by the Coordinate Bench of this Court in **CWP-17837-2006** and connected cases, titled as ***Bhim Sain and others vs State of Haryana and others***, decided on **28.01.2015**, as well as this Court in **CWP-26425-2021** and connected cases, titled as ***Satvir Singh and others vs State of Haryana and others***, decided on **17.11.2025**. Moreover, the petitioners have based their claim on the basis of judgment passed in ***Bhim Sain's case (supra)***.

6. I have heard learned counsel(s) for the respective parties and gone through the case file with their able assistance. It transpires that the former employees of erstwhile Bhuna Cooperative Sugar Mills have filed **CWP-17837-2006** and connected cases, titled as ***Bhim Sain and others vs. State of Haryana and others***, decided on **28.01.2015** and this Court has passed the following order:-

“.....In view of the above, learned counsel for the parties are ad idem that let all these writ petitions be disposed of in view of the abovesaid undertaking given on behalf of the respondent-State. However, learned counsel for the petitioners in all these writ petitions submit in one voice that let the seasonal employees as well as permanent seasonal employees who had been working in the Bhuna Cooperative Sugar Mills, be also directed to be adjusted

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on similar posts in other cooperative sugar mills of the respondent-State, as and when the posts of the said category become available. They also submit that since many of the ex-employees of the Bhuna Cooperative Sugar Mills have become overage for first entry into service, relaxation in age may be directed to be granted to them.

Having heard the learned counsel for the parties at considerable length and after giving thoughtful consideration to the peculiar fact situation noticed hereinabove, all these writ petitions are disposed of with direction to the respondent authorities to adjust all the ex-employees of the erstwhile Bhuna Cooperative Sugar Mills including the petitioners, on the posts of their respective categories, against available vacant posts in other cooperative sugar mills, as well as other cooperative institutions of the respondent State, as early as possible, subject to fulfillment of eligibility criteria, prescribed under the relevant Service Rules, however, granting relaxation in age, wherever it is required.

It is further directed that the respondent authorities shall make an endeavour to adjust all the ex-employees of erstwhile Bhuna Cooperative Sugar Mills in their respective categories, at an early date because it will be in the interest of the petitioners as well as the Welfare State. Except in the emergent situations, the respondent authorities shall not fill any vacant post in the cooperative sugar mills as well as other cooperative institutions in the State, till the ex-employees of erstwhile Bhuna Cooperative Sugar Mills are adjusted. However, it is also made clear that the appointments given to the ex-employees of erstwhile Bhuna Cooperative Sugar Mills would be treated as fresh appointments.

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With the above-said observations made and directions issued, all these writ petitions stand disposed of, however, with no order as to the costs.

7. As such, the issued raised by the petitioner(s) with regard to the benefit of the past service was not extended by this Court while disposing of the above writ petition, rather it has been clarified that the appointments given to the ex-employees of erstwhile Bhuna Cooperative Sugar Mills would be treated as 'fresh appointments'. The judgment passed in ***Bhim Sain's case (supra)*** has attained finality in the year 2015 as neither of the party has filed any intra-court appeal against the said order. Admittedly the former employees of the erstwhile Bhuna Cooperative Sugar Mills have been adjusted and provided re-employment in terms of ***Bhim Sain's case (supra)***.

8. It is pertinent to mention that the facts of ***Deepak Sood's case (supra)***, which also involved the Government of Haryana, are fundamentally distinguishable from the present case. In ***Deepak Sood's case (supra)***, the employees were 'absorbed' on a transfer basis and the Government of Haryana had explicitly agreed to count their past service for pay fixation and pensionary benefits. Whereas in the present case, the petitioners, who are former employees of the Bhuna Cooperative Sugar Mills, were adjusted in compliance of the directions issued by this Court in ***Bhim Sain's case (supra)***, whereby it was categorically held that their re-employment would be treated as 'fresh appointments'. Since the benefit of past service was not extended in ***Bhim Sain's case (supra)***, a judgment which has attained finality, the principle laid down

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in *Deepak Sood's case (supra)*, regarding continuity of service benefits for absorbed staff, does not apply to the case of present petitioners.

9. In view of the foregoing discussions, this Court finds no merit in the aforementioned writ petitions. Consequently, all the writ petitions are dismissed being devoid of any merit.

10. Pending miscellaneous application, if any, also stands disposed of.

11. A photocopy of this order be placed on the file of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

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