



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CWP-4579-2020 (O&M)
Date of decision: 20.05.2026

Som Nath

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manu K. Bhandari, Advocate
with Mr. Rohit Kataria, Advocate
and Mr. Arjun Sawhni, Advocate
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

Mr. Ajay Pal Singh, Advocate (through V.C.)
for respondents No.2 and 3.

Mr. Abhishek Sharma, Advocate
for respondent No.4.

HARPREET SINGH BRAR J. (Oral)

CM-8206-CWP-2026

Prayer in this application filed under Section 151 of CPC is
for preponing the date fixed in the main petition and for seeking
exemption from filing certified copy of Annexure A-2.

Heard.

For the reasons stated in the application, the same is
allowed and the main case, which is fixed for 04.12.2026, is taken up
today for hearing.

**CWP-4579-2020 (O&M)**

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondent No.2 to regularize the services of the petitioner under Policy Instructions dated 18.01.1995 (Annexure P-3), dated 23.01.2001 (Annexure P-4), dated 15.12.2006 (Annexure P-9) and dated 18.03.2011 (Annexure P-10). Further a writ of certiorari has been sought, for quashing the order dated 03.09.2003 (Annexure P-8) passed by respondent No.2, whereby the claim of the petitioner for regularization of his services has been rejected. Another prayer has been made to quash the letter dated 08.10.2015 (Annexure P-13) and the order dated 27.01.2020 (Annexure P-19) passed by respondent No.2.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was engaged as a Sweeper on daily wage basis on 14.03.1991 under the District Sports Officer, Jalandhar (respondent No.3). He has continued to render uninterrupted service for nearly 35 years till date. As far back as 31.03.1994, respondent No.3 recommended regularization of the petitioner and two others, noting that they were working against vacant posts (Annexure P-2). Successive government policies for regularization of daily wagers/work-charged employees were issued and specific recommendations were made in favour of the petitioner (Annexures P-5, P-5A, P-12). Despite this, the claim of the petitioner was rejected (Annexure P-8). On 08.10.2015, under threat of termination, the petitioner was forced to submit a



resignation (Annexure P-13). However, on the very same day, he was deputed back to respondent No.3 and continued working through a contractor (Annexure P-14).

3. Learned counsel for the respondents No.2 and 3 submits that the petitioner, at one point of time, resigned from the service and therefore, he is not entitled to claim regularization in continuity of service.

4. In rebuttal, learned counsel for the petitioner submits that that the petitioner satisfies all the criteria under the applicable regularization policies and the resignation of the petitioner was obtained under coercion. He relies upon the judgment passed by this Court in **CWP-11513-2014**, titled as ***Lalit Kumar and another vs The Punjab State Sports Council and others***, decided on **01.11.2018** whereby the similarly situated daily wagers of the Punjab Sports Council were directed to be regularized (Annexure P-15), and the same has been implemented by the respondents as is evident from the office order dated 16.08.2018 (Annexure P-16). He further contends that the petitioner has been denied the benefit of regularization despite rendering a longer service while the identically placed employees have been regularized. Learned counsel for the petitioner further submits that there was no break in service of the petitioner as he was engaged on contractual basis on the same day he resigned as a daily wager and the relationship between the employer and employee has never been extinguished. He further submits that the case of the petitioner is



squarely covered by the judgment rendered by this Court in **CWP-5684-2026** and connected cases, titled as ***Daljeet Singh and others vs State of Punjab and another***, decided on **22.04.2026**.

5. It is not disputed that the petitioner was initially engaged as a daily wager on 14.03.1991 and continued to work with the respondents for a long period. A perusal of the record further reveals that the case of the petitioner for regularization was recommended by respondent No.3 vide communications dated 31.03.1994, 08.10.2001 and again on 03.12.2014. It is also borne out from the record that even after tendering resignation on 08.10.2015, the petitioner continued to discharge duties with the respondents through an outsourcing arrangement from the very next day itself.

6. The primary objection raised by learned counsel for respondents No.2 and 3 is that the petitioner had resigned from service and, therefore, is not entitled to claim continuity of service for the purposes of regularization. However, this contention cannot be accepted in the peculiar facts and circumstances of the present case. The material available on record *prima facie* demonstrates that there was no actual interruption in the relationship of employer and employee as the petitioner continued to work with the respondents without any break in service. Merely routing the engagement of the petitioner through an outsourcing agency would not, by itself, defeat his claim, particularly when the nature of duties, place of posting and control of the respondents over the services of the petitioner remained unchanged.



7. In *Daljeet Singh's case (supra)*, this Court, while considering the claim of similarly situated employees engaged through outsourcing agencies, held that where the principal employer exercises effective control and supervision over the employee and the employee continues to discharge perennial duties for a long period, then the outsourcing arrangement cannot be used to deny the relationship of employer and employee.

8. In the present case as well, the petitioner has been continuously serving the respondents since 1991 and the record reflects that his services were repeatedly recommended for regularization by the competent authorities. Even otherwise, similarly situated employees have already been granted the benefit of regularization pursuant to the judgment dated 01.11.2018 passed by this Court in *Lalit Kumar's case (supra)*, which was thereafter implemented by the respondents themselves.

9. Consequently, the impugned order dated 03.09.2003 (Annexure P-8), letter dated 08.10.2015 (Annexure P-13) and order dated 27.01.2020 (Annexure P-19) cannot be sustained and are hereby set-aside. The matter is remitted back to respondent No.2 to reconsider the claim of the petitioner for regularization in the light of the law laid down by this Court in *Daljeet Singh's case (supra)* and the applicable policies/instructions, by treating the service of the petitioner as continuous service and pass a fresh speaking order within a period of six months from the date of receipt of certified copy of this order. Needless



to say, if the petitioner is found entitled to the relief sought, the same shall be granted to him forthwith.

- 10. The writ petition stands disposed of in the above terms.
- 11. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No