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

214-1&amp;2nd case

Date of Decision: **14.05.2026**

Manjit Singh

**CWP-16466-2021 (O&M)**

....Petitioner

**VERSUS**

State of Punjab and others

...Respondents

Sukhpal Singh

**CWP-4540-2022 (O&M)**

....Petitioner

**VERSUS**

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Ms. Shubreet Kaur, Advocate  
for the petitioner  
in CWP-16466-2021 and CWP-4540-2022.

Mr. Vikas Sonak, AAG, Punjab.

Mr. J.S. Toor, Sr. Advocate with  
Mr. Adhiraj Toor, Advocate  
for respondents No.4 and 5  
in CWP-16466-2021.

Mr. Rahul Chadha, Advocate for  
Mr. Shekhar Verma, Advocate  
for respondents No.4 and 5  
in CWP-16466-2021.

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Mr. Parampreet S. Brar, Advocate with  
Mr. Vishal Tartyal, Advocate  
for respondents No.6 to 11  
in CWP-16466-2021.

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**HARPREET SINGH BRAR, J. (Oral)**

1. With the consent of all the parties, the aforementioned writ petitions are taken up together and are being decided by this common judgment. However, for the sake of brevity, the facts are taken from CWP 16466-2021.

1.1. The present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ, order or direction, especially in the nature of *certiorari*, for quashing/setting aside the seniority list dated 29.05.2019 (Annexure P-11) prepared by Respondent No.4-Nagar Panchayat, Bhikhiwind, order dated 27.09.2019 (Annexure P-12) passed by Respondent No.2-Director, Local Government and order dated 21.08.2020 (Annexure P-15) passed by Respondent No.3-Deputy Director, Urban Local Bodies, Amritsar, being illegal, arbitrary, unsustainable and contrary to law. Further, issuance of a writ in the nature of *mandamus* is prayed for directing the respondents to count the service rendered by the petitioner from the date of his appointment i.e. 12.12.2014 (Annexure P-4) till the passing of judgment dated 27.11.2015 (Annexure P-8) and to grant him consequential

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seniority by placing him at Serial No.2 in the seniority list. The petitioner also prays for staying the operation and implementation of the impugned orders dated 27.09.2019 and 21.08.2020 (Annexures P-12 and P-15) during the pendency of the present petition and for restraining respondents No.1 to 5 from taking any coercive action, including termination of the petitioner's services. The petitioner further prays for grant of any other appropriate relief to which he may be found entitled in the facts and circumstances of the present case.

2. Learned counsel for the petitioner, *inter alia*, contends that the Government of Punjab constituted Nagar Panchayat, Bhikhiwind (hereinafter 'Nagar Panchayat') in the year 1993 under Section 241 of the Punjab Municipal Act, 1911. The petitioner was appointed as Clerk in the Nagar Panchayat, initially on contract basis and thereafter, on daily wage basis in the year 1995. Subsequently, Resolution No.64 dated 20.04.1999 was passed authorizing the President of Nagar Panchayat to make appointments and thereafter, Resolution No.26A dated 01.06.1999 was passed appointing the petitioner along with other Clerks on regular basis. However, the said appointments were suspended by the Regional Deputy Director, Urban Local Bodies, Amritsar, resulting in prolonged litigation regarding the status of Nagar Panchayat and the appointments made therein.

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2.1. Subsequently, CWP No.10681 of 2010 titled ***Chanan Singh and others vs. State of Punjab and others*** was filed before this Court wherein the petitioner was arrayed as petitioner No.3. During pendency of the said writ petition, the petitioner and another similarly situated employee were assured by the authorities that they would be appointed as Clerks on regular basis if they withdrew the writ petition *qua* themselves. Acting upon the said assurance, the petitioner withdrew the writ petition *qua* himself vide CM No.15799-CWP of 2014 and consequently, came to be appointed as Clerk vide appointment letter dated 12.12.2014.

2.2. Thereafter, this Court while deciding connected writ petitions in ***Chanan Singh (supra)*** on 27.11.2015, directed that appointments be made from amongst employees who were working as on 30.06.1999 and priority being given to those employees who had put in longer service. The petitioner continuously worked as Clerk and his services remained protected. However, the Nagar Panchayat issued a seniority list dated 25.05.2019 (Annexure P-11) placing the petitioner at Serial No.10 despite the fact that he was entitled to higher seniority by counting his past service.

2.3. Thereafter, respondent No.2 vide impugned order dated 27.09.2019 (Annexure P-12) directed respondent No.5 to initiate proceedings for termination of services of the petitioner and respondent No.3 further reiterated the said directions vide impugned order dated

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21.08.2020 (Annexure P-15). The petitioner is aggrieved by the impugned seniority list dated 25.05.2019 (Annexure P-11) and the consequential orders, the same being illegal, arbitrary and contrary to the assurance and protection granted to the petitioner.

2.4. Learned counsel places reliance on the judgments rendered by the Hon'ble Supreme Court in *Surya Narain Yadav and others vs. Bihar State Electricity Board and others (1985) 3 SCC 38*, *Oryx Fisheries Private Limited vs. Union of India and others (2010) 13 SCC 427* and *Vinod Kumar vs. State of Haryana and others (@013) 16 SCC 293* to support his case.

3. *Per contra*, learned counsel for the respondents submits the appointments of the petitioner and similarly-situated employees of the Nagar Panchayat were not made in accordance with law, as no proper recruitment procedure including issuance of an advertisement and specifying a selection process, was adopted for it. As such, their appointments were essentially in the nature of illegal backdoor entries, which cannot confer any right to regularization or seniority. It was further submitted that after de-notification of the Nagar Panchayat in 1999, the services of temporary, contractual and daily wage employees automatically came to an end. Though certain resolutions for regularization were passed, the same had already been stayed and were never legally valid.

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3.1. The respondents further pleaded that earlier writ petitions filed by similarly situated employees were decided by this Court in ***Satnam Kaur and others vs. State of Punjab*** in ***CWP No.5898 of 2004*** on 27.11.2015 (bunch matter that included ***Chanan Singh (supra)***) (Annexure P-8) wherein the Court specifically held that such employees were not validly appointed and were not entitled to regular appointment or regular pay scales. The Court only permitted temporary/contractual engagement, subject to regular recruitment in accordance with law. It was argued that the impugned order dated 27.09.2019 (Annexure P-12) and revised speaking order dated 14.02.2022(Annexure R-6/1) were passed strictly in compliance with the directions issued by this Court and the affidavit dated 14.08.2015 filed by the Department, as mentioned in ***Satnam Kaur (supra)***. The petitioner never challenged the earlier orders/judgment and, therefore, the same had attained finality. Consequently, the present petition was stated to be barred by limitation and principle of estoppel.

3.3. The respondents also relied upon judgments including ***Secretary, State of Karnataka vs. Uma Devi (2006) 4 SCC 1*** and ***Avtar Singh vs. State of Punjab 2011 SCC OnLine P&H 15326*** to contend that appointments made without following statutory recruitment rules cannot be regularized as no legal right accrues from such appointments. Lastly, it was submitted that the revised speaking order dated 14.02.2022 (Annexure R-

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6/1) was issued after reconsideration of the matter and clarification that the earlier judgment of this Court never intended for regularization of such employees, but only temporary engagement till regular appointments were made.

4. Having heard learned counsel of the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner were assured by the respondent-Department that vacancies shall be created for him and other similarly situated employees in the budget of the Nagar Panchayat, should they withdraw the court case filed by them, as discernible from resolution No.26 dated 12.12.2014 (Annexure P-3). Consequently, solely on the basis of the said assurance, the petitioner moved CM No.15799-CWP of 2014 in CWP No.10681 of 2010, requesting for permission to withdraw the writ petition qua himself. The same was allowed by this Court vide order dated 23.12.2014 (Annexure P-5) and the petitioner was granted regular appointment, subject to probation, as Clerk by the Executive Officer, Nagar Panchayat, as indicated by Annexure P-4. It is evident that the petitioner acted on the promise made by the respondent-Department, thereby creating a legitimate expectation towards service benefits in the former. Thus, the respondent-Department cannot now be allowed to backtrack from fulfilling the assurances that caused the petitioner to withdraw his civil writ petitioner.

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5. However, vide impugned speaking order dated 27.09.2019 (Annexure P-12), the services of the petitioner was directed to be terminated for the reason that it falls foul of the decision in ***Satnam Kaur (supra)*** which was delivered about one year after sanctioning the appointment of the petitioner. At this stage, it would be against reasonable standards of logic and justice to deprive the petitioner of the benefits arising of his long service, especially when he acted in furtherance of the promise made by the respondent-authorities by giving up his claim before this Court in ***Chanan Singh (supra)***. Thus, propriety dictates that the petitioner and other similarly situated employees not be displaced after they have gained significant experience in their settled roles.

6. At this juncture, it would be apposite to refer to the decision rendered by a Constitution Bench of the Hon'ble Supreme Court in ***Sivanandan C.T. vs. High Court of Kerala 2023 INSC 709*** which held that consistency, predictability, and fairness are necessary concomitants of State action, and that any decision bereft of these attributes would be arbitrary and violative of Article 14 of the Constitution. The relevant extract thereof is reproduced below:

**“38. The principle of fairness in action requires that public authorities be held accountable for their representations, since the state has a profound impact on the lives of citizens. Good administration requires public authorities to act in a predicable manner and honor the promises made or practices established unless there is a good reason not to do so. In**

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*Nadarajah (supra), Laws LJ held that the public authority should objectively justify that there is an overriding public interest in denying a legitimate expectation. **We are of the opinion that for a public authority to frustrate a claim of legitimate expectation, it must objectively demonstrate by placing relevant material before the court that its decision was in the public interest. This standard is consistent with the principles of good administration which require that state actions must be held to scrupulous standards to prevent misuse of public power and ensure fairness to citizens.***

*(emphasis added)*

7. Accordingly, both the aforementioned petitions are allowed. The seniority list dated 29.05.2019 (Annexure P-11), order dated 27.09.2019 (Annexure P-12) and order dated 21.08.2020 (Annexure P-15) are hereby set aside. The respondents are directed to count the past service rendered by the petitioners as daily wage from the date of their initial appointment and to grant them consequential benefits in view of judgment of Full Bench of this Court in '**Kesar Chand Vs. State of Haryana and others**' 1988 (2) PLR 223, and the judgment of the Division Bench of this Court in '**Harbans Lal Vs. The State of Punjab and others**' 2012 (3) SCT 362.
8. All pending miscellaneous application(s), if any, shall stand disposed of accordingly.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**14.05.2026**

*parul verma*

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No