

CWP-4960-2026

2026:PHHC:061627



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

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CWP-4960-2026

Date of Decision:20.04.2026

Jaswinder Singh

.....Petitioner

VERSUS

Punjab Water Supply and Sewerage Board and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. A.P Singh, Advocate for the petitioner.

Mr. Sarthak Soni, Advocate for the respondents.

HARPREET SINGH BRAR, J. (Oral)

1. The instant 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 respondent/authorities to regularize the services of the petitioner as Pump Operator with all consequential service benefits w.e.f. the date the services of the petitioner have been regularized as a Pump Attendant on 03.01.2017 (Annexure P-11). Further prayer has been made to direct the respondent/authorities to release all service benefits applicable to a Pump Operator to the petitioner w.e.f. the date of his regularization i.e. 03.01.2017, on the principle of 'Equal Pay for Equal Work.'



2. Learned counsel for the petitioner reiterates that the petitioner, having passed Matriculation in the year 1994 and 10+2 in the year 1996, joined the Punjab Water Supply & Sewerage Board in the year 1998 as a Chowkidar. The petitioner, thereafter, continuously discharged his duties firstly as Pump Attendant and subsequently as Pump Operator on contractual basis without any break in service and his services were formally transferred as Pump Operator vide order dated 04.12.2003 (Annexure P-4), followed by continuous renewals of contract (Annexure P-6), thereby clearly establishing that he worked against the post of Pump Operator for more than 17 years. He further submits that as per Government instructions dated 28.03.2003 (Annexure P-5), Class III and IV employees who had completed more than 03 years of service were entitled to regularization. Feeling aggrieved, the petitioner approached this Court by filing CWP-14663-2015 seeking regularization, during pendency thereof, his services were regularized on 03.01.2017 only as Pump Attendant instead of Pump Operator as is evident from Annexure P-11 on the alleged ground of non-possession of ITI qualification with vocational subject. Learned counsel for the petitioner further submits that such objection is wholly untenable in view of Punjab Government instructions dated 08.07.1994 (Annexure P-9), which categorically provide that 10+2 with vocational subject is to be treated as equivalent to ITI and the petitioner fulfils the said requirement. Learned counsel for the petitioner further contends the petitioner has further obtained an information under the RTI Act on 03.11.2017 (Annexure P-13), which reveals that several other incumbents working as Pump Operators who



possessed only Matriculation or even lesser qualification without ITI and have been regularized. He further submits that the earlier writ petition filed by the petitioner was disposed of by this Court on 26.02.2024 (Annexure P-15) granting the liberty to file a detailed representation, which was accordingly submitted by him on 01.10.2024 (Annexure P-16) and duly forwarded by the competent authorities as is evident from Annexures P-17 and P-18, respectively but no decision has been taken for more than six months. Learned counsel for the petitioner, thus, argues that the petitioner, having continuously discharged the duties and responsibilities of Pump Operator since 1999, is legally entitled to be regularized against the said post with all consequential benefits including pay parity on the principle of Equal Pay for Equal Work and the action of the respondents is arbitrary and violative of Article 14 of the Constitution of India

3. Learned counsel for the respondents has filed a written statement on behalf of all the respondents in Court today, which is ordered to be taken on record. The Registry is directed to place the same at the appropriate place. A copy thereof has also been supplied to learned counsel for the petitioner during the course of hearing. At the very outset, learned counsel for the respondents refers to Annexure R-1 and submits that the petitioner has passed his 10+2 examination in the vocational stream from the Punjab School Education Board with specialization in Radio and T.V. Repair and Maintenance, which cannot be equated with or treated as a qualification in the electrical stream. It is, thus, contended that the petitioner



does not possess the requisite qualification and is consequently ineligible for regularization to the post of Pump Operator.

4. In rebuttal, learned counsel for the petitioner refers to letter dated 03.11.2017 (Annexure P-13) and submits that the petitioner has obtained information under the Right to Information Act, 2005, which clearly reflects the particulars of five individuals working as Pump Operators who are either matriculates or even under-matric. It is further contended that the petitioner has also placed on record the relevant log book/register (Annexure P-19), wherein his name is reflected as that of a Pump Operator, and the duty roster as well substantiates that the petitioner has, in fact, been discharging the duties of a Pump Operator for a considerable period. On the strength of the aforesaid material, it is argued that the absence of an ITI qualification in the vocational subject cannot be made a ground to deny regularization to the petitioner as Pump Operator, particularly when similarly situated persons, possessing even lesser qualifications, have been granted such benefit. It is further submitted that although the petitioner has been regularized as a Pump Attendant, the information obtained under RTI (Annexure P-13) demonstrates that five other employees, who are either matriculates or under-matric, have been regularized/promoted as Pump Operators, thereby entitling the petitioner to claim parity.

5. In response thereto, learned counsel for the respondents submits that the instances cited by the petitioner in Annexure P-13 pertain to



employees who were promoted/regularized prior to the implementation of the recommendations of the 3rd Pay Commission. It is contended that subsequent to the said implementation, the eligibility criteria for the post of Pump Operator were revised, making possession of an ITI diploma in the relevant vocational/electrical trade a mandatory requirement. It is further submitted that all such persons referred to in Annexure P-13 have since retired from service, and the petitioner cannot claim parity with them in view of the changed statutory/service conditions. It is thus argued that the claim of the petitioner is misconceived and liable to be rejected.

6. I have heard counsel for the parties and have gone through the record of the case with their able assistance. It transpires from the record that the petitioner initially joined the services of the respondent-Board in the year 1998 as a Chowkidar and thereafter continued to serve as a Pump Attendant, ultimately discharging duties of a Pump Operator with the respondent-Board. A perusal of office order dated 04.12.2003 (Annexure P-4) clearly indicates that the services of the petitioner were formally transferred to that of a Pump Operator on contractual basis, which arrangement continued from time to time through successive renewals, as is evident from letter dated 08.04.2023 (Annexure P-6). The said documents cumulatively establish that the petitioner has worked against the post of Pump Operator for more than 17 years.

6.1 The material placed on record, including the log book/register (Annexure P-19) as well as the duty roster, further substantiates that the



petitioner had, in fact, been continuously performing the duties and responsibilities of a Pump Operator for a substantial length of time, exceeding 17 years, though he was formally designated and ultimately regularized only as a Pump Attendant vide order dated 03.01.2017 (Annexure P-11).

6.2 The primary objection raised by the respondents is with regard to the alleged non-possession of requisite ITI qualification in the relevant electrical/vocational trade. However, the petitioner has placed reliance upon Government instructions dated 08.07.1994 (Annexure P-9), which provide that 10+2 with vocational subject is to be treated as equivalent to ITI. The respondents have not been able to effectively rebut the applicability of the said instructions to the case of the petitioner. Moreover, it is not in dispute that the petitioner has passed 10+2 in the vocational stream.

6.3 That apart, the information obtained by the petitioner under the Right to Information Act, 2005 (Annexure P-13) reveals that similarly situated persons, some of whom possessed even lesser qualifications (matric or under-matric), were regularized/promoted as Pump Operators. The stand of the respondents that such persons were promoted prior to the implementation of the recommendations of the 3rd Pay Commission does not satisfactorily justify the differential treatment meted out to the petitioner, particularly when the petitioner had already been discharging identical duties for a long period.



7. Moreover, the foundational question that arises in the present case is whether, after extracting service on a higher post (Pump Operator) for over 17 years, the respondents can deny regularisation on that very post solely on the ground that the petitioner does not possess the prescribed minimum qualifications.

7.1 This Court is of the opinion that the issue with regard to denial of regularisation on the ground of not having minimum qualification is no longer *res integra* and is squarely covered by the judgment of the Hon'ble Supreme Court in *Nihal Singh v. State of Punjab, (2013) 14 SCC 65* and the judgments rendered by the Division Bench of this Court in *State of Punjab and others Vs. Sarwan Ram, 2025 NCPHHC 65364*.

8. The Division Bench of this Court in *Sarwan Ram (supra)*, has categorically held that:

“19. Under question No.2, while elaborately discussing a plethora of judgments of the Hon'ble Apex Court, it was held that once the employees had worked for a long period, it would be unjustified to deny them benefit of regularization on the ground of not possessing minimum qualification.”

(emphasis added)

9. A similar issue in this regard came before this court in *Hari Ram v. State of Haryana, CWP-25042 of 2025*, where in this court observed that,

“6. This Court has been constrained to observe a trend, where long term employees are engaged on ad hoc basis, in spite of the perennial nature of the services rendered by them. The State, being a constitutional employer, cannot be allowed to exploit its temporary employees under the garb of lack of sanctioned posts or inability of the employees to meet educational qualifications for regular posts, when they have been consistently serving its instrumentality for a



significant time period. *Such an approach would be violative of fundamental rights of the temporary employees enshrined in Article 14, 16 and 21 of the Constitution of India. Further still, temporary employees cannot be forced to bear the brunt of lack of financial resources **when the State had no qualms about continuously taking advantage of the services rendered with regard to integral and recurring work of the concerned department.....**”*

(emphasis added)

10. It is beyond the comprehension of this court that if the requisite qualification was an essential criteria to perform the task, how were the respondents able to extract satisfactory work from the petitioner continuously for 17 long years. The respondents have accepted and benefited from his services throughout these years. This glaring contradiction reveals that the qualification was never treated as a functional prerequisite during his service and is now being deployed as a mere technical shield to deny a rightful claim. Such an approach smacks of arbitrariness and exploitation while also amounting to a gross violation of Articles 14 and 16 of the Constitution. The plea of the respondents, if accepted, would amount to permitting them to take advantage of their own action in extracting higher duties from the petitioner without conferring corresponding benefits.

11. Reliance in this regard may be placed on the judgement rendered by this court in ***CWP No. 30287 of 2025 Shiv Nath vs. Punjab State Co-operative Supply and Marketing Federation Limited and another.***

12. Accordingly, the present petition is allowed and the petitioner is held entitled to be regularized against the post of Pump Operator w.e.f. 03.01.2017, i.e., the date on which he was earlier regularized as Pump



Attendant. Consequently, the impugned order dated 03.01.2017 (Annexure P- 11) is hereby set aside to the aforesaid extent and stands modified, with a direction that the petitioner shall be deemed to have been regularized as Pump Operator with effect from 03.01.2017.

12.1 The petitioner shall further be entitled to all consequential service benefits arising therefrom, including fixation of pay, arrears of salary, and continuity of service, from the said date. The respondents are directed to carry out the necessary exercise and release all admissible benefits to the petitioner within a period of three months from the date of receipt of a certified copy of this order.

13. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.04.2026

Puneet Chawla

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No