

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5981-2020 (O&M)

Shri Pal & Ors.
... Petitioners

VS.

State of Haryana & Ors.
... Respondents

1.	Judgment reserved on	11.03.2026
2.	Judgment pronounced on	21.04.2026
3.	Judgment uploaded on	23.04.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. SK Chauhan, Advocate for the petitioners

Ms. Mayuri Lakhanpal, DAG Haryana

Sandeep Moudgil, J.

Prayer

(1). This writ petition has been filed by the petitioners under Articles 226/227 of Constitution of India praying for issuance of a writ in the nature of certiorari for quashing the orders dated 12.12.2019 (Annexure P16) and 19.12.2019 (Annexure P17) passed by the respondent No.2 rejecting the petitioners’ representations dated 19.02.2018 & 19.03.2019 (Annexures P12 & P13, respectively). They seek a direction to the respondents to regularize their services as Water Pump Operators Gr.III (Class III) instead of Beldar in the pay scale of 950-1400 w.e.f. 31.01.1996 and 31.03.1993 i.e. from the date their juniors were regularized and promoted as such. A further direction is sought to step up their pay at par with similarly situated employees along with consequential benefits with interest @ 18% p.a.

Facts

(2). The petitioners were initially engaged as Water Pump Operators (Class III) on daily wages in the Public Health Engineering Department in the

years 1983 and 1992 and continued to work against those posts until when the State of Haryana issued Instructions dated 7.3.1996 modifying the policy dated 18.3.1996 for regularisation of work-charged, casual and daily-rated employees who were in service as on 31.01.1996 and had completed the prescribed qualifying service. However, at the stage of implementing these regularisation policies, instead of regularizing them on the post of Water Pump Operator (a Class III post carrying the then higher pay scale), petitioner No.1 was regularised w.e.f. 31.1.1996 as “Beldar”, in the pay scale of 2550-3200 whereas the services of petitioner No.2 were regularised w.e.f. 1.2.1996 as “Beldar”, in the pay scale of 750-940, instead of as Water Pump Operator (WPO), a Class III post having the pay scale of 950-1400, despite the admitted position that they were in fact discharging duties of Water Pump Operators at the relevant time.

(3). On the other hand, various sets of similarly situated employees working as Water Pump Operators under HUDA/HSVP, who had been subjected to the same kind of down-gradation or wrong description at the time of regularisation, approached this Court through CWP No. 811 of 1996 (Randhir Singh v. HUDA), CWP No. 2544 of 1996 (Ramesh Chand & others) and later CWP No. 15011 of 1998 (Ved Singh & others), and this Court consistently directed that such employees must be placed in the cadre/posts on which they were actually working, with arrears of pay and allowances and re-designation as Water Pump Operator/WPO-II, which directions were then implemented by the respondents in favour of those petitioners through speaking orders and consequential office orders.

(4). In spite of this consistent judicial trend and the fact that even similarly situated Chowkidars were promoted as WPO Grade-II and other employees' regularisation was modified on representation, CWP No. 6015 of 2019 and CWP No. 16016 of 2019 were filed wherein this Court vide order dated 18.9.2019 directed the respondents to pass a speaking order.

(5). The respondents, however, rejected those representations vide impugned orders dated 12.12.2019 and 19.12.2019 (Annexures P16 & 17, respectively), wherein respondent No.2 has gone to the extent of admitting that their regularisation was wrongly made yet has refused to extend to them the same corrective benefits as granted to their comparables, thus giving rise to the present writ petition seeking correction of their regularisation to the Class III Water Pump Operator post from the due dates, along with all consequential monetary and service benefits.

Contentions of the petitioner

(6). Learned counsel for the petitioner contends that once the State of Haryana itself framed general policies dated 7.3.1996 and 18.3.1996 to regularise all work-charged/casual/daily-rated employees who were in service on 31.1.1996 and had completed the prescribed length of service on Class III posts, the petitioners, who were in fact working as Water Pump Operators (Class III), acquired a legitimate expectation to be regularised against the very posts on which they were serving, and the action of the respondents in regularising them on a lower Class IV posts of Beldar/Water Pump Helper, despite admitting that such regularisation was wrongly made, is *ex facie* arbitrary, violative of Articles 14 and 16 of the Constitution, and contrary to the object of the regularisation policy itself.

(7). It is argued that similarly situated employees who were working as Water Pump Operators under HUDA/HSVP and were initially subjected to wrong regularisation to a lower post, were granted relief by this Court in CWP No. 811 of 1996, CWP No. 2544 of 1996 and CWP No. 15011 of 1998 etc., and their services were ordered to be treated as regular on the posts of Water Pump Operator/WPO-II with consequential benefits, whereas the petitioners alone have been singled out and denied the same parity despite identical factual matrix, which amounts to hostile discrimination. Further, the decisions rendered by this Court in case of Ved Singh and Bhupinder Singh, where relief was declined, turned on the specific finding that those petitioners were never appointed on Class III posts or did not fulfill the eligibility criteria, which distinguishing features do not apply to the present petitioners who were appointed and continuously working as WPOs and therefore stand on a better footing and are fully entitled to correction of their regularisation and grant of all consequential benefits.

Respondents counter

(8). On the other hand, reply has been filed on behalf of respondents No.2, 3 & 5 wherein it has been averred that the claim of petitioner No.1 for grant of any increment prior to 01.02.1996 is wholly misconceived, as he was only a daily-wage worker from 04.02.1992 to 31.01.1996 and not a regular employee of the department during that period, and under the applicable service/joining and pay-fixation rules, increments accrue only to regularly appointed employees on time-scale posts and not to casual/daily-wage workers hence, his demand for counting the said period for annual increments is liable to be rejected.

(9). It is further argued that the present writ petition, being a second round of litigation, is based on a false and fictitious narrative inasmuch as petitioner no.1 is now claiming promotion/redesignation from Beldar to Water Pump Operator Grade-II (Class III) despite not possessing the essential technical educational qualification prescribed for the post of Water Pump Operator, he being merely 7th class pass and had never stood appointed or ordered to work as Water Pump Operator by any competent authority, and as per his limited educational qualification, he is fit only for labourer/Group-D work, so his attempt to derive benefit from previous judgments of this Court, which concern duly appointed WPOs who satisfied the prescribed eligibility, is wholly misplaced and the writ petition, therefore, deserves dismissal as devoid of merit.

(10). However, the reply is silent with regard to acceptance or rejection of claim in respect of petitioner No.2 who has expired during the pendency of the writ petition and is now represented through his legal heirs impleaded vide order dated 30.11.2022 by this Court.

(11). Heard learned counsel for the parties and the judgment was kept reserved on 11.03.2026.

Analysis

(12). The present writ petition has been filed by two workmen who were initially engaged on daily wages in the Public Health Engineering Department and were later regularised on Group-D posts as Beldar. The core grievance projected is that, having been initially engaged and continuously deployed as Water Pump Operators (WPO), a Class-III post, they ought to have been regularised on the WPO post itself and granted all consequential monetary

and service benefits, instead of being regularised as Beldar in Group-D. A further grievance, particularly in the case of petitioner no.1, relates to the non-reckoning of the pre-regularisation daily-wage period for the purposes of increments and Assured Career Progression (ACP).

(13). In so far as petitioner no.1 is concerned, it is an admitted position in the reply and the speaking order dated 12.12.2019 that he was engaged on daily wages on 04.02.1992 and that his services were regularised w.e.f. 31.01.1996 in Group-D as Beldar in the pay-scale of Rs.2550-3200. The respondents have categorically averred that he is only 7th class pass, does not possess any technical education certificate, and that he was never ordered or appointed as Water Pump Operator by any competent authority. On this basis, they have pleaded that he is not eligible for promotion/placement as Water Pump Operator Grade-II (Class-III) and that, as per the applicable ACP scheme, his 1st and 2nd ACPs have correctly been granted only on the basis of regular service after 01.02.1996, daily-wage service from 04.02.1992 to 31.01.1996 not being reckonable for increments or ACP.

(14). The petitioners have not produced any appointment order, service-book entry or contemporaneous document to demonstrate that petitioner No.1 was originally appointed on a sanctioned Class-III WPO post or that he possessed the requisite technical qualification prescribed for the post of WPO.

(15). In so far as petitioner No.2 is concerned, the impugned speaking order dated 19.12.2019 itself records that he was engaged as a daily-wage Beldar in the Department w.e.f. 01.02.1984 and that a Labour Court Award dated 01.10.1992 directed his reinstatement with continuity of service and full

back wages. The competent authority, after noticing the regularisation policy dated 27.05.1993 and the clarificatory instructions dated 11.05.1994, has found that petitioner No.2 fulfilled the conditions of having rendered five years' continuous daily-wage service as on 31.03.1993 and was in service on that date. It has, accordingly, accepted his representation to the extent of ante-dating his regularisation as Beldar from 01.02.1996 to 31.03.1993 under the 1993 policy with all consequential benefits but denied interest and his claim for regularisation/placement as WPO on the ground that the service record shows his original engagement as Beldar and not as Class-III WPO. Besides, under the 11.05.1994 clarification, only those daily-wagers who were originally appointed on Class-III posts, possessed the requisite qualifications and were working against available Class-III posts, could be regularised in Class-III.

(16). The petitioners have placed strong reliance on the decisions of this Court in Randhir Singh and Ramesh Chand (cited supra) and on certain subsequent orders where daily-wage Water Pump Operators were directed to be placed in the cadre in which they were working and regularised as WPO/WPO-II with consequential benefits. However, it is now well-settled that the relief granted in Randhir Singh (supra) cannot be treated as laying down a general right of all daily-wage Class-IV employees, who may have performed some pump-operator duties, to be regularised on Class-III WPO posts *de hors* the recruitment rules and regularisation policies. The Court has, in those later judgments, clearly held that only those daily-wagers who were originally appointed on Class-III posts, who fulfill the prescribed educational/technical qualifications for that post and who were working against available sanctioned posts, can legitimately insist on regularisation in Class-III and those of

Class-IV employees such as Mali-cum-Chowkidar or Helper, who lack the requisite qualification and were never appointed on Class-III posts, cannot demand to be “stepped up” to WPO merely on the basis of some earlier orders.

(17). Tested on this touchstone, the present petitioners have failed to bring their case within the factual matrix of Randhir Singh (supra). In the case of petitioner No.1, the respondents’ assertion that he is only 7th-pass, lacks any technical certificate and was never appointed or ordered to work as WPO has not been controverted by placing any cogent documentary material on the record. There is no appointment letter or service-book entry showing him to have been engaged on a sanctioned Class-III WPO post. In the case of petitioner No.2, the service-book entries, as noticed in the order dated 19.12.2019, show his engagement as daily-wage Beldar, not as WPO. In the absence of any contemporaneous material to the contrary, this Court is unable to hold that either petitioner was “originally appointed” as a Class-III WPO in the sense understood in the 11.05.1994 clarification and the subsequent 1996 regularisation instructions.

(18). As regards the plea for counting the daily-wage period for increments and ACP, the position in law is also clear. Under the relevant Haryana ACP rules and pay-fixation instructions, ACP benefits and annual increments accrue on the basis of regular service on time-scale posts and not on the basis of daily-wage or work-charged service, unless the rules specifically provide otherwise. Courts have consistently declined to extend ACP to periods of purely daily-wage engagement. On the admitted facts, petitioner No.1’s services were regularised only with effect from 31.01.1996 and that of petitioner no.2’s services, though now ante-dated, stood regularised in Group-D

from 31.03.1993. They cannot, therefore, insist on increments or ACP for the anterior daily-wage period.

(19). At the same time, it is significant that, in the case of petitioner No.2, the competent authority has accepted the Labour Court Award granting continuity of service and has correctly applied the 27.05.1993 policy to ante-date his regularisation as Beldar to 31.03.1993, with consequential benefits. The petitioners' grievance, to that extent, stands substantially redressed and does not call for interference, save as to observe that the consequential benefits shall include full re-fixation of pay and pensionary benefits as per rules, from the revised date of regularisation, albeit without interest, as specifically excluded in the speaking order.

(20). In view of the foregoing discussion, this is no merit in the present writ petition and the same is accordingly dismissed.

(21). However, it is clarified that the consequential benefits flowing from the ante-dated regularisation of petitioner No.2 shall be worked out and released to his legal heirs, including re-fixation of pay and revision of retiral benefits, strictly in accordance with rules, within a period of two months from the date of receipt of a certified copy of this order, if not already done.

(22). However, it is made clear that the petitioner shall not be entitled to interest on arrears, in view of the decision taken by the competent authority and the same was accepted by the petitioner.

(23). Pending applications stand disposed of accordingly.

21.04.2026
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned? :
2. Whether reportable? :

Yes/No
Yes/No