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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCWP-5307-2025 (O&M)
Date of decision: 06.02.2026

Kartar Singh and others

....Petitioners

Versus

The State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Arora, Advocate
for the petitioners.

Mr. Vikas Sonak, AAG, Punjab.

HARPREET SINGH BRAR, J (Oral):**CM-1889-CWP-2026**

The present application has been filed under Section 151 of CPC for placing on record copies of the order dated 16.11.2025 and 17.12.2025 as Annexures P-33 and P-34.

In view of the grounds mentioned in the application, the same is allowed, as prayed for. Annexures P-33 and P-34 are ordered to be taken on record, subject to all just exceptions.

Registry is directed to place the same at an appropriate place.

Main case

The present civil writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* and *mandamus* or any other appropriate writ, order or direction, quashing the action of the respondents in not granting the petitioners' salary in the minimum of the regular pay scale, as allowed to



their counterparts working on regular basis, in terms of the law laid down by the Hon'ble Supreme Court in *State of Punjab and others v. Jagjit Singh and others*, decided on 26.10.2016, reported as **2016 (4) SCC 641** and *Sabha Shankar Dube v. Divisional Forest Officer and others*, reported as **2019 (1) SCT 46**; and further for not considering and granting the benefit of regularization of their services, despite the fact that the petitioners have been continuously working from the years 2011–2013, having been appointed against vacant sanctioned posts through a proper selection process, the same being illegal, arbitrary, mala fide, unconstitutional and contrary to the law laid down by the Hon'ble Supreme Court in *Jaggo v. Union of India*, reported as **2025 (1) SLR 1** and in *Shripal and another v. Nagar Nigam, Ghaziabad*, Civil Appeal No.8157 of **2024** decided on 31.01.2025, reported as **2025 INSC 144**; with a further prayer to direct the respondents to consider and grant the benefit of regularization of their services on completion of 10 years of service, along with all consequential benefits, in terms of the aforesaid judgments.

2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners have been working as Computer Operators under respondent No.2 since the years 2011–2013 on the basis of their selection and appointment made by adopting a regular selection process. The selection process commenced with issuance of advertisement dated 05.01.2011, pursuant where to the petitioners appeared in the written test conducted on 13.02.2011, the result whereof was declared on 19.02.2011. Thereafter, a merit list was prepared, and the candidates were called for counselling from 05.03.2011 to 06.03.2011, followed by publication of the final result on the website of the department, upon which the selected candidates,



including the petitioners, were issued appointment letters. Some of the petitioners were also appointed in the year 2013 pursuant to advertisement dated 08.11.2012 following the same procedure. The petitioners possessed the requisite qualifications prescribed for the post of Computer Operator and were appointed against vacant sanctioned posts.

3. Further the counsel submits that since their respective dates of appointment, the petitioners have been continuously discharging duties of a perennial nature, identical to those being performed by their regular counterparts working on the same post in the respondent-Corporation as well as in the Health and Family Welfare Department. The petitioners are performing the same duties, sharing the same responsibilities and workload, yet they are being denied salary in the minimum of the regular pay scale and the benefit of regularization. It is further submitted that the service record of the petitioners has remained unblemished, and there is no adverse remark against any of them throughout their tenure of more than 12 to 13 years. Learned counsel draws attention to Annexure P-14, which reflects that identically situated Computer Operators at Serial Nos. 85 and 88 have already been regularized by the respondent-Corporation. Further reliance is placed upon orders dated 16.11.2025 and 17.12.2025 (Annexures P-33 and P-34), whereby several contractual employees, including Computer Operators, have been granted the benefit of regularization. It is, therefore, contended that denial of similar treatment to the present petitioners is arbitrary, discriminatory, violative of Articles 14 and 16 of the Constitution of India, and unsustainable in law.

4. There is no representation on behalf of respondent No.2.

Learned State counsel appearing for respondent No.1 is not in a position to



controvert the factual position that similarly situated contractual employees, including Computer Operators, have been granted the benefit of regularization vide Annexure P-14 and orders dated 16.11.2025 and 17.12.2025 (Annexures P-33 and P-34). However, no plausible explanation has been furnished to justify the discriminatory denial of similar benefits to the present petitioners.

5. I have heard learned counsel for the parties and perused the record with their able assistance. It transpires that the petitioners were appointed as Computer Operators between the years 2011 to 2013 pursuant to a regular process of selection against sanctioned vacant posts. They have continuously discharged duties of a perennial nature for more than 12 to 13 years and have been performing the same work and shouldering identical responsibilities as their regular counterparts. The record further reveals that similarly situated Computer Operators have already been granted the benefit of regularization by the respondent-Corporation, as reflected from Annexure P-14 as well as orders dated 16.11.2025 and 17.12.2025 (Annexures P-33 and P-34). However, no justifiable basis has been disclosed for denying similar treatment to the present petitioners. Such selective implementation of the policy despite parity in service conditions, qualifications, and length of engagement is against the principles established by a Division Bench of this Court in ***Satbir Singh vs. State of Haryana 2002 (2) SCT 354*** and violative of Articles 14 and 16 of the Constitution of India, and cannot be sustained.

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. Reliance in this regard can be placed on the judgements rendered by the Hon'ble Supreme Court in **Jaggo v. Union of India and others 2025 AIR SC 296, Vinod Kumar and others v. Union of India (2024) 1 SCR 1230 and Shripal & Anr. v. Nagar Nigam, Ghaziabad 2025 SCC OnLine SC 221.**

7. Recently, a Two-Judge Bench of the Hon'ble Supreme Court in **Dharam Singh and Others v. State of U.P. and Another 2025 SCC On-Line SC 1735** speaking through Justice Vikram Nath has held as follows:

“11. Furthermore, it must be clarified that the reliance placed by the High Court on Umadevi (Supra) to non-suit the appellants is misplaced. Unlike Umadevi (Supra), the challenge before us is not an invitation to bypass the constitutional scheme of public employment. It is a challenge to the State's arbitrary refusals to sanction posts despite the employer's own acknowledgement of need and decades of continuous reliance on the very workforce. On the other hand, Umadevi (Supra) draws a distinction between illegal appointments and irregular engagements and does not endorse the perpetuation of precarious employment where the work itself is permanent and the State has failed, for years, to put its house in order. Recent decisions of this Court in Jaggo v. Union of India and in Shripal v. Nagar Nigam, Ghaziabad have emphatically cautioned that Umadevi (Supra) cannot be deployed as a



shield to justify exploitation through long-term “ad hocism”, the use of outsourcing as a proxy, or the denial of basic parity where identical duties are exacted over extended periods. The principles articulated therein apply with full force to the present case....

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13. As we have observed in both Jaggo (Supra) and Shripal (Supra), outsourcing cannot become a convenient shield to perpetuate precariousness and to sidestep fair engagement practices where the work is inherently perennial. The Commission's further contention that the appellants are not “full-time” employees but continue only by virtue of interim orders also does not advance their case. That interim protection was granted precisely because of the long history of engagement and the pendency of the challenge to the State's refusals. It neither creates rights that did not exist nor erases entitlements that may arise upon a proper adjudication of the legality of those refusals.

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17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and of ends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that “ad-hocism” thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If “constraint” is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”



(Emphasis supplied)

8. It also appears that both the States of Punjab and Haryana tend to formulate policies in order to circumvent implementation of judgements rendered by the Constitutional Courts. More often than not, the claim for regularization is neither accepted nor denied and the applicant is kept in limbo unnecessarily. The extended ad-hocism of keeping daily wage workers or contractual employees on temporary rolls for decades while extracting regular work is not only unconstitutional but undermines equality and dignity. The State and its instrumentalities being model employer can't perpetuate such exploitation and use excuses like financial constraints, non availability of sanctioned post, and lack of qualification or decision in *State of Karnataka v. Umadevi (supra)* as talisman to deny well deserved regularisation on account of their perennial nature of long periods of work at par with their counterparts working on regular posts. Reference in this regard can also be made to the judgment rendered by the Hon'ble Supreme Court in *Nihal Singh v. State of Punjab, (2013) 14 SCC 65*, a Division Bench of this Court in *State of Punjab and others v. Sarwan Ram, 2025 NCPHHC 65364* as well as a Co-ordinate bench in *Amrish Sharma and others vs. State of Punjab and others* in *CWP-19238-2013 decided on 26.02.2024*.

9. In the wake of the above discussions and findings, this Court is of the considered opinion that the present petition deserves to be allowed. The respondents are directed to regularize the services of the petitioners within six weeks from today. If no order of regularization is passed within 6 weeks from today, they shall be deemed to be regularized.



The petitioners shall be entitled to counting of past service and other benefits as per judgments rendered by this Court in *Harbans Lal v. State of Punjab, CWP No.2371 of 2010* and *State of Haryana and others v. Jai Bhagwan, LPA No.1892 of 2019*.

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

(HARPREET SINGH BRAR)
JUDGE

06.02.2026
monika

- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No