



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

122

CWP-8770-2026

Date of Decision : 23.03.2026

Amrik Singh and another

.....Petitioners

Versus

State of Punjab and others

....Respondents

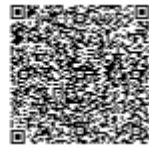
CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Sandeep Siwatch, Advocate for the petitioners
(through video conferencing).

NAMIT KUMAR, J. (ORAL)

1. The petitioners have filed the instant petition under Articles 226/227 of the Constitution of India, seeking issuance of a writ of certiorari for quashing the order dated 20.11.2024 (Annexure P-5), whereby the respondents have rejected the claim of the petitioners with regard to their regularization. Further, seeking issuance of a writ of mandamus directing the respondents to reinstate the petitioners into service w.e.f. 01.06.2018, along with all consequential benefits of continuity in service and full back wages and to release the salary of the petitioners which has not been paid to them for the last three months before terminating their services.

2. Undisputed facts of the case are that both the petitioners were appointed as Mali (Beldar) by the respondents and were given posting at Bassi Jana, Research Circle of Forest Department on 01.10.2015 (petitioner No.1) and on 01.12.2015 (petitioner No.2) at the consolidated salary of Rs.6,848/- per month which was increased from



time to time and lastly, they were getting Rs.7,600/- as salary when their services were terminated on 30.05.2018.

3. It is the case of the petitioners that after their services were terminated, they approached the Labour Inspector, Grade-1, Hoshiarpur, vide representation dated 01.06.2018 (Annexure P-2), against their termination, seeking reinstatement and regularization and thereafter, they approached this Court by filing CWP No.18009 of 2018 titled as 'Amrik Singh and another Vs. State of Punjab and others' claiming the following relief :-

“(i) This Hon'ble Court may be pleased to call for the entire records of the case.

(ii) After perusing the same, this Hon'ble court may be pleased to issue a writ in the nature of mandamus directing the official respondents to reinstate/regularize the petitioners into service with all consequential benefits of continuity of service and full back wages.

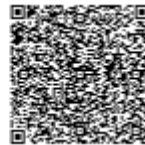
(iii) Further to issue of a writ in the nature of mandamus directing the official respondents to release the salary of the petitioners which has not been paid to them since last three months.”

The said writ petition was attached with the bunch of petitions and the leading petition was ***CWP-19238-2013 titled as 'Amrish Sharma and others Vs. State of Punjab and others' which was decided on 26.02.2024*** (Annexure P-3) with the following directions :-

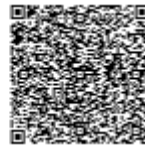
“xx xx xx xx xx

Conclusion:

47. In the wake of above discussion and findings, this Court comes to conclusion as below:



- i) *This Court in the normal course cannot ask State to create or sanction posts.*
- ii) *The petitioners who had completed service of 10 years by the end of December' 2006, either at present are in service or have already retired, are entitled to regular post and they cannot be denied regularization on the ground of lack of sanctioned post or minimum education qualification. To avoid burden on State exchequer, it is clarified that from the deemed date of their regularization, they shall be entitled to minimum of pay scale plus dearness allowance and grade pay till the date of this order and thereafter regular pay scale.*
- iii) *The petitioners who are still in service but did not complete service of 10 years by the end of December' 2006 would form part of dying cadre created by 2023 Policy. The State, in view of long service of these employees, would not insist for minimum qualification. They from the date of completing service of 10 years would be entitled to minimum of pay scale plus dearness allowance plus grade pay till the date they are regularized in terms of 2023 Policy.*
- iv) *The petitioners who did not complete service of 10 years by the end of December' 2006 and during the pendency of present litigation have superannuated or passed away would be entitled to minimum of pay scale plus dearness allowance and grade pay from the date of completing service of 10 years till the date of their retirement or death.*
- v) *The petitioners who have already been regularized by 31.12.2016 shall not be entitled to any additional financial benefit because they are already getting*



higher amount of salary for last couple of years.

vi) *The respondent-State shall not be liable to pay interest on arrears arising on account of re-fixation of pay.*

48. *All the petitions are hereby disposed of in terms of conclusion drawn hereinabove.*

49. *The litigation is pending before this Court for last more than two decades. Many workers have passed away or superannuated. This Court hopes and trusts that State without waiting demise or superannuation of surviving petitioners would extend their due claim and in any case within 6 months from today.”*

Further, the case of the petitioners is that the said judgment has been upheld by a Division Bench of this Court in ***LPA No.2032 of 2024 titled as ‘State of Punjab and others Vs. Sarwan Ram and others’ and other connected cases decided on 16.05.2025*** (Annexure P-4).

4. In pursuance to the directions issued by learned Single Judge, vide order dated 26.02.2024, the claim of the petitioners has been rejected, vide impugned order dated 20.11.2024 (Annexure P-5) mainly on the ground that petitioner No.1 has rendered service of 02 years and 08 months and petitioner No.2 has rendered service of 02 years and 06 months, whereas as per the policy of the State Government, a minimum of 10 years of service is required for regularization.

5. From the above facts, it is clear that the petitioners never challenged their termination before this Court in earlier writ petition i.e. CWP-19238-2013 and got their case attached with the cases wherein, the claim of regularization was raised by other employees. Once the



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services of the petitioners have been terminated and without challenging the termination, the question of regularization does not arise.

6. In view of the above, the impugned order dated 20.11.2024 (Annexure P-5), whereby the claim of the petitioners for regularization has been rejected is perfectly legal and valid. Consequently, the instant petition, being devoid of merit, is hereby dismissed.

23.03.2026
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No