



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

Sr. No.207

CWP-19679-2021 (O&M)
Date of Decision: 13.03.2026

Mahender Singh

.... Petitioner

Versus

Chaudhary Charan Singh Haryana Agricultural
University, Hisar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ashok Arora, Advocate, for the petitioner.

Mr. Shreenath A. Khemka, Advocate,
for the respondents-University.

TRIBHUVAN DAHIYA, J. (ORAL)**CM-2064-CWP-2024**

For the reasons stated, the application is allowed. The legal representatives of the petitioner, as mentioned in para 2 of the application, are ordered to be impleaded in his place. The amended memo of parties is taken on record.

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The petition has been filed seeking a writ of *mandamus* directing the respondents to regularise the petitioner's services from the date of his eligibility, i.e., 07.03.1996, and release all consequential benefits to him.

2. It is apparent on record that the petitioner was engaged by the respondent University as Beldar (on daily wages basis) in November 1989. His services were later terminated in 1995, and he approached the Labour Court on a reference which was answered in his favour vide award dated



30.07.1999, ordering reinstatement with continuity in service and full back wages from the date of demand notice, i.e., 03.07.1996. Accordingly, he was taken back in service and continuously worked as such till his demise on 30.07.2023. However, prior thereto he had approached this Court by filing the instant petition. The objection taken by the University to his regularisation is primarily that having not been appointed against a vacant or sanctioned post, he was ineligible to be considered for regularisation under the 1996 or 2003 policies, dated 07/18.03.1996 and 01.10.2003, Annexures P-5/P-6, and P-7, respectively.

3. Learned counsel for the University fairly accepts that the issue stands decided in petitioner's favour vide order dated 12.02.2026, passed by a Division Bench of this Court in LPA No.59 of 2020 titled *Managing Director, HSWC and another v. Harpal Singh*, holding that once an employee has been working for over thirty years, the employer cannot be allowed to deny regularisation on the ground of his appointment not being against a sanctioned post. It is incumbent upon the employer to create the post and regularise the employee against it. The observations of the Division Bench in this regard are as under:

4. The appeal is pressed primarily on the ground that no direction could have been issued to create a post for the purposes of regularization. This argument cannot be accepted, inasmuch as the employer having allowed the respondent to work for over 30 years, cannot be heard saying that such long length of working was without any requirement of work or work was not of a regular and perennial nature. The conduct of the employer in not regularizing the service of respondent despite continuous working for three decades would lead to the inescapable conclusion that work of perennial in nature was available and in such circumstance, the direction issued to create a post would be clearly justified.



5. It is with an intent to deal with such exigency that law has been clarified by the Hon’ble Supreme Court in ‘*Jaggo Versus Union of India and others*’, 2024 SCC Online SC 3826.

In view thereof, the petitioner cannot be denied regularisation by the University on account of his appointment not being against a sanctioned post.

4. The petition is, accordingly, allowed directing the University to consider and regularise the petitioner in service in terms of the policy dated 07.03.1996, as modified vide instructions dated 18.03.1996, and release all consequential benefits, including retiral/pensionary benefits, as admissible, to his legal representatives within four weeks of receiving a certified copy of the order.

(TRIBHUVAN DAHIYA)
JUDGE

13.03.2026
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No