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

CWP-12546-2026

Date of decision: 12.05.2026

Raj Kapoor

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Virender Kumar, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl.A.G., Haryana

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of impugned order dated 20.03.2026 (Annexure P-12) passed by respondent No.5. Further, for issuance of a writ in the nature of *mandamus* directing the respondents to allow the petitioner to join his duties as Safai Karamchari in pursuance to the order dated 27.06.2025 (Annexure P-11) as he was declared to be eligible for taking him on the pay roll of the Municipal Corporation, Karnal in view of the policy dated 06.09.2019 (Annexure P-3) issued by the Government of Haryana.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner joined as a Safai Karamchari in the Municipal Corporation, Karnal on 01.08.2014 on contract basis through an outsourcing agency. The petitioner's wages were paid through bank account (Annexure P-1) and he also become the member of the EPFO as discernible from Annexures P-1 & P-2, respectively. The Government of Haryana framed a policy on 06.09.2019



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(Annexure P-3) vide which Safai Karamchari working through the Manpower Service Agencies from 24.05.2018 to 06.09.2019 were taken on the roll of Municipal Corporation, Karnal. The petitioner deposited all documents but his name was not included in the list of candidates who were taken on the rolls of Municipal Corporation. The petitioner filed an appeal. Respondent No.4 circulated a list of eligible candidates and 202 candidates were taken on the pay roll but the petitioner's appeal was not decided which compelled the petitioner to approach this Court by filing CWP No.2029 of 2025 titled as ***Raj Kapoor Vs. State of Haryana and others*** decided on 27.01.2025 (Annexure P-10) which was disposed of with a direction to decide the appeal of the petitioner. Respondent No.4 on 27.06.2025 accepted the petitioner's appeal and declared him eligible to be taken on the pay roll. He refers to Annexure P-11 and submits that the Appellate Authority considered the claim of the petitioner in light of the fact that the petitioner has received his pay through proper banking channel in his bank account through NEFT upto 29.10.2020 from 24.05.2018 to 29.10.2020, as such, the petitioner is fully eligible, whereas, while passing the impugned order (Annexure P-12) the Commissioner of Municipal Corporation, Karnal has rejected the claim in a mechanical manner by observing that no documents or bank statement or EPF statement have been produced by the petitioner on time.

3. *Per contra*, learned State counsel for respondent No.3 submits that the impugned order was passed by the Commissioner, Municipal Corporation, Karnal on the ground that the agency through which the petitioner was

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engaged, was never given any tender or any sanitation work by the Municipal Corporation, Karnal.

4. Having heard learned counsel for the parties and after perusal of the record with their able assistance, it transpires that the petitioner has sought the relief in terms of the policy dated 06.09.2019 (Annexure P-13) vide which Safai Karamcharis working through Manpower Service Agencies from 24.05.2018 to 06.09.2019 were to be brought on the pay roll of the Municipal Corporation, Karnal. The petitioner's name was not included in the list, as such, he filed an appeal (Annexure P-6) which remained undecided and the petitioner approached this Court by filing CWP No.2029 of 2025.

5. In compliance thereof, the Appellate Authority passed Annexure P-11 recommending the petitioner to be brought on the pay roll of the Municipal Corporation, Karnal, after examining the facts and circumstances of the case, especially, the fact that the petitioner regularly received his salary from 24.05.2018 till 29.10.2020 in his bank account through NEFT and the Appellate Authority in concluding paragraph of Annexure P-11, has given the facts and circumstances of the case and has passed the order (Annexure P-11) in compliance of the directions issued by this Court on 27.01.2025 in CWP No.2029 of 2025. Thereafter, the Commissioner, Municipal Corporation, Karnal, in spite of the fact that the directions issued by this Court has already been complied by the Appellate Authority and the case of the petitioner was recommended by the Appellate Authority, proceeded to decide the case again on the ground of complying with the directions issued by this Court in

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CWP No.2029 of 2025. There was no occasion for the Commissioner, Municipal Corporation, Karnal, to have embarked upon the proceeding to pass a fresh order and take a different view on the ground that no documents or salary certificate or EPF certificate has been produced.

6. Learned State counsel could not controvert the fact that the order passed by the Appellate Authority on 27.06.2025 (Annexure P-11) has not been challenged till date. After the order has attained finality, another order dated 20.03.2026 (Annexure P-12) was passed after nine months, is not sustainable in the eyes of law.

7. In view of the above, the present civil writ petition is allowed. The impugned order dated (Annexure P-12) is hereby set aside and the respondent-Corporation is directed to implement the order passed by the Appellate Authority on 27.06.2025 (Annexure P-11) which has attained finality within a period of six weeks from the date of receipt of certified copy of this order.

8. Any deviation from the direction issued by this Court, entitles the petitioner to move an appropriate application under Article 215 of Cr.P.C. of the Constitution of India to initiate contempt of Court proceedings.

(HARPREET SINGH BRAR)
JUDGE

12.05.2026
Neha

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