



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

CWP-12725-2026

Date of decision: 27.04.2026

Khushdeep Singh and others

....Petitioners

Versus

Municipal Corporation, Bathinda through its
Commissioner and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhishek Singla, Advocate and
Mr. Akshat Kalia, Advocate
for the petitioners.

Mr. Birinder Pal, Advocate
for the respondents.

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 *mandamus* directing the respondents to regularize the services of the petitioners as Clerk-cum-Data Entry Operator along with all consequential benefits.

2. Learned counsel for the petitioners submits that the intra Court appeal bearing LPA No.891 of 2026 titled as *Akash Sharma Vs. State of Punjab and others* filed against the judgment rendered by this Court in CWP No.12434 of 2022 titled as *Akash Sharma Vs. State of Punjab and others* decided on 13.02.2026, has been upheld in which it has been categorically held that the Act of the Punjab Adhoc Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016, still has the force of law. Further, the case of the petitioners is squarely covered by the judgments rendered by this Court in CWP No.30248 of 2025 titled as *Harjinder Singh*



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Sidhu Vs. Municipal Council, Bathinda and another decided on 05.03.2026 (Annexure P-11), CWP No.24673 of 2025 titled as *Bhupesh Kumar and others Vs. Punjab Health System Corporation and another* decided on 12.02.2026; CWP No.11427 of 2015 titled as *Sukhjad Singh and others Vs. State of Punjab and another* decided on 19.12.2018 and CWP No.23027 of 2016 titled as *Mrs. Gurmit Kaur and others Vs. State of Punjab and others* decided on 24.09.2024 as they have served the respondent-Corporation for the last 11-13 years.

3. Further, this Court in *Harjinder Singh Sidhu's case (supra)* relied upon the judgments of the Hon'ble Supreme Court in *Dharam Singh and Others v. State of U.P. and Another 2025 SCC OnLine SC 1735* and *Jaggo v. Union of India and others 2025 AIR SC 296*, has observed the following:-

“ xxxx

Outsourcing as an evasion tactic

18. The common practice of bypassing the regular recruitment process and resorting to outsourcing, in spite of availability of sanctioned vacant posts, is itself is reflective of the intention of the employers to escape financial liability that comes with it. Considering that employees are expected to discharge the same perennial duties, it is rather unsavory to deprive them of the fruits of their labour including pay scales, increments etc. A two-Judge Bench of the Hon'ble Supreme Court in *Bhilwara Dugdh Utpadak Sahakari S. Ltd. v. Vinod Kumar Sharma Dead by Lrs 2011 INSC 632*, has made the following observations in this regard:

“5. Labour statutes were meant to protect the employees/workmen because it was realised that the employers and the employees are not on an equal bargaining position. Hence, protection of employees was required so that they may not be exploited. **However, this new technique of subterfuge has been adopted by some employers in recent years in order to deny the rights of the workmen**



under various labour statutes by showing that the concerned workmen are not their employees but are the employees/workmen of a contractor, or that they are merely daily wage or short term or casual employees when in fact they are doing the work of regular employees.

6. This Court cannot countenance such practices any more. Globalization/liberalization in the name of growth cannot be at the human cost of exploitation of workers.”

(Emphasis supplied)

*19. Outsourcing cannot be allowed to metamorphose into a convenient veil to sidestep fair engagement practices. Where the principal employer exercises control and supervision over the manner of work, and the worker's livelihood is substantially dependent on the principal employer, the Courts must endeavour to look beyond the façade by lifting the veil created by the intermediaries and declare the principal employer as the employer in fact. Further still, the State, being a constitutional employer, cannot balance its budget on the backs of temporary, contractual, or outsourced employees. In no uncertain terms, it is emphasised that the State does not get the license to override constitutional safeguards merely for the reason of financial stringency. Furthermore, the Hon'ble Supreme Court in **Union of India rep by Government of Puducherry and another v. K. Velajagan and others in Special Leave to Appeal (C) No. 2868/2018**, while upholding the regularization of temporary employees, ordered a vigilance inquiry to investigate into engagement of staff on ad hoc basis while sanctioned posts remained vacant. The relevant part thereof is reproduced below:*

“5. Out of 51 sanctioned posts of lecturers in the Polytechnic College, 45 posts are being manned by incumbents appointed on ad hoc basis. Of these 45 incumbent lecturers, 15 of them had earlier moved the Tribunal and had obtained orders for regularization of their services. Such order was upheld by the High Court. Union of India had approached this Court under Article 136 of the Constitution of India in a special leave petition. This Court did not interfere with the impugned judgment and order of the High Court and disposed of the said special leave petition on 19th February, 2007 directing as follows:

“On merits, the petitioners, in our opinion, have no good case. We have already noticed the prayer



asked for by the respondents before the Tribunal and perused the order passed by the Tribunal. The Tribunal in our opinion directed the petitioners herein to frame a scheme for regular absorption of all casual lecturers or consider all the casual lecturers for appointment on a regular basis at the time of making regular appointments. The said direction is ratified by the High Court. In our opinion, no case is made out for interference with the direction issued by the Tribunal to frame a scheme and also as affirmed by the High Court. In fact, it is brought to our notice by Mr. R. Mohan, learned ASG that the recruitment rules have already been framed and the same have already been published in the Supplement to the Gazette No. 42, of the 17th October 2006. Since the direction 6 SLP (Civil) CC No. 7374/2006 3 SLP(C) No. 2868/2018 issued by the Tribunal has already been complied with, there is nothing further survives in this Special Leave Petition to be adjudicated upon. Accordingly, the Special Leave Petition stands dismissed. “

6. It is rather unfortunate that despite the aforesaid order of this Court passed in the year 2007, full compliance thereof is yet to see the light of the day. The services of the said 15 incumbent lecturers, who were appointed years back, are yet to be regularized because the Union Public Service Commission has declined to accede to the request of the Lieutenant Governor, Puducherry made in this behalf, raising a plea that the UPSC would not be a party to any illegal appointee being regularized in service. Audacious indeed, considering that an order of this Court is subsisting till date.

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*13. We, however, do not wish to allow the matter rest here. **In the matter of public employment, the Government is bound to appoint the best available talent upon issuing advertisements and inviting applications from interested candidates. The manner in which ad hoc lecturers have been appointed in the Polytechnic College by the***



Government of Puducherry even after the 2006 Rules were introduced warrants an in-depth inquiry to find out who was responsible for such illegal appointments. We, accordingly, direct the Central Vigilance Commission to conduct an in-depth inquiry into the matter and submit a report fixing responsibility on the person(s) responsible (either in service or having demitted office) for such large-scale illegality in the matter of appointment of ad hoc lecturers. Such report shall be placed before this Court on 14th May, 2025.”
(Emphasis supplied)

20. On that note, an individual who has been engaged on outsource-basis, for a substantial period, inevitably acquires the requisite skill set and efficiency for the job. Such a worker is likely to commit fewer errors as he possess a deeper understanding of the nature of work. Thus, the cause of such employees ought not to be abandoned by the Courts.”

4. Learned counsel for the petitioners has limited his prayer to the extent that the present petition be treated as a comprehensive representation and the same be decided in a time bound manner by passing a speaking order after affording the petitioners an opportunity of being heard.

5. Notice of motion.

6. Mr. Birinder Pal. Advocate puts in appearance and accepts notice on behalf of the respondents and submits that the grievance raised by the petitioners in the present writ petition would be considered by passing a speaking order in accordance with the law by respondent(s)/competent authority.

8. Therefore, in view of the submissions made by the learned counsel for the parties, the present writ petition is disposed of and the respondent(s)/competent authority is directed to treat this writ petition as a comprehensive representation and consider the claim of the petitioners in light

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of the afore mentioned all the judgments and pass a speaking order after affording them an opportunity to be heard, within a period of 03 months from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioners. Needless to say, if the petitioners are found entitled to the relief sought, the same shall be granted forthwith by the respondent(s)/competent authority.

(HARPREET SINGH BRAR)

JUDGE

27.04.2026

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No