



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

224

CWP-21885-2021 (O&M)
Decided on :16.04.2026

*KARAM CHAND**.....Petitioner**Versus**UNION OF INDIA AND ORS**. . . Respondents*

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

PRESENT: Mr. Sunil K. Chaudhary, Advocate
for the petitioner.

Mr. Sumeet Jain, Additional Standing Counsel with
Ms. Urvashi Singh, Junior Standing Counsel
for the respondents-U.T., Chandigarh.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 30.09.2019 (Annexure P-6) passed by respondent No. 4, i.e., the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), whereby the Original Application filed by the petitioner, being OA No. 060/00614/2019, claiming pensionary benefits, has been dismissed.

2. Certain facts needs to be noted for the correct appreciation of the issue in hand.

3. The petitioner was appointed as a Cook on a daily wage basis in the Police Department of U.T. Chandigarh on 27.09.1990 for a period of three months, i.e., up to 26.12.1990. However, the petitioner continued to work till 20.06.2002, when his services were terminated vide termination order dated 13.08.2002. The said order of termination was challenged by the petitioner by filing OA No. 675/CH/2002, which was decided by the Tribunal

**CWP-21885-2021 (O&M)**

vide order dated n 10.03.2003 (Annexure A-1). Vide said order dated 10.03.2003 (Annexure A-1) passed by the Tribunal, the termination of the petitioner's services was held to be illegal, and he was directed to be reinstated in service on the same terms and conditions as were applicable at the time of his termination. However, the claim for regularization was declined by the Tribunal.

4. Thereafter, upon attaining the age of 62 years in 2019, the petitioner's services were again terminated vide order dated 18.04.2019 (Annexure A-3). The said termination was challenged by the petitioner by filing OA No. 060/00614/2019, which was decided on 30.09.2019. In the said original application, the petitioner also prayed for the grant of pensionary benefits, which were denied solely on the ground that though the petitioner had worked from 1990 till 2017, i.e. approximately for a period of 27/28 years, but his services were never regularized, and therefore, he was not held entitled for the grant of pensionary benefits. The said order dated 30.09.2019 (Annexure P-6) passed by the Tribunal is under challenge in the present petition.

5. Learned counsel for the petitioner argues that since the petitioner has rendered service with respondent-department for a period of more than 27 years, and even during the pendency of the present writ petition an order dated 11.01.2022 was passed by Chandigarh Administration treating the petitioner as a regular employee and even a direction was given to calculate pensionary benefits admissible keeping in view the length of service rendered by him, but no such benefit has yet been granted to him and hence, the respondents are under obligation to grant the benefit of regularization of his

**CWP-21885-2021 (O&M)**

service to the petitioner along with all consequential benefits including pensionary benefits as well.

6. Reply by way of an affidavit of Manjeet Singh, SP, (HQ) Union Territory, Chandigarh ,Sector-9 Chandigarh, filed by the learned counsel for the respondents in the Court, is taken on record.

7. Per contra, learned counsel for the respondents fairly concedes that, as per order dated 11.01.2022 (Annexure R-1), the services of the petitioner were regularized for the purpose of grant of pensionary benefits. However, the said order was never implemented by the respondents on the ground that there was no direction by any competent court of law to regularize the petitioner's services. Learned counsel for the respondents further submits that since the petitioner was overage at the time of his initial appointment, he cannot be held entitled for the grant of benefit of regularization.

8. Learned counsel for the respondents further submits that the relieving order of the petitioner shows that the petitioner's services were "terminated", and an employee whose services have been terminated is not entitled for grant of pensionary benefits.

9. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

10. It may be noticed that the petitioner has not been treated in a manner a welfare state has to treat an employee who has rendered his service for a considerable part of his life i.e. for a period of approximately three decades.

11. Apart from the other arguments, it may be noticed that as per the

**CWP-21885-2021 (O&M)**

law settled by the Hon'ble Supreme Court of India while passing judgment in **Civil Appeal No.6798 of 2019 titled "Prem Singh Vs. State of Uttar Pradesh and ors."**, decided on **02.09.2019** wherein, the Hon'ble Supreme Court of India has held that even where an employee who has retired/superannuated from service without his/her services being regularized even after rendering service of more than two decades, such employees are to be treated as regular employees for the purpose of grant of pensionary benefits.

The relevant paragraphs of the said judgment passed in **Prem Singh's case (supra)** is as under:-

*"35. There are some of the employees who have not been regularised in spite of having rendered the services for 30-40 or more years whereas they have been superannuated. As they have worked in the work-charged establishment, not against any particular project, there services ought to have been regularised under the Government instructions and even as per the decision of this Court in Secretary, State of Karnataka & Ors. Vs. Uma Devi 2006 (4) SCC 1. This Court in the said decision has laid down that in case services have been rendered for more than 10 years without the cover of the Court's order, those employees who have worked for ten years or more should have been regularised. It would not be proper to regulate them for consideration of **regularisation** as others have been regularised. It would not be proper to regulate them for consideration of **regularisation** as others have been regularised, we direct that their services be treated as a regular one. However, it is made clear that they shall not be entitled to claiming any dues of difference in wages had they been continued in services regularly*

**CWP-21885-2021 (O&M)**

before attaining the age of superannuation. They shall be entitled to receive the pension as if they have retired from the regular establishment and the services rendered by them right from the day they entered the work-charged establishment shall be counted as qualifying service for the purpose of pension."

In the present case, even the order dated 11.01.2022 passed by the competent authority regularizing the services of the petitioner has not been implemented for four years, which is wholly unjustified.

12. Further, the same issue with regard to the regularization of various part time employees as well as temporary employees, who had sufficiently long period of service to their credit came up for consideration before the Hon'ble Supreme Court of India in **Civil Appeal No. 14831 of 2024 titled 'Jaggo Vs. Union of India', decided on 20.12.2024** wherein by placing reliance upon the judgment in **Secretary, State of Karnataka and others versus Uma Devi and others, AIR 2006 SC 1806**, the Hon'ble Supreme Court of India has held that in those cases where an employee has 10 years of service in their credit, his/her services should be regularized so as to avoid any prejudice to the workman. The relevant paragraph of the said judgment is as under:

"xxx 20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional

**CWP-21885-2021 (O&M)**

requirements. However, where appointments were not illegal but possibly “irregular,” and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization. In a recent judgement of this Court in Vinod Kumar and Ors. Etc. Vs. Union of India & Ors.⁵, it was held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed "temporary" but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgement have been reproduced below:

“6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive

**CWP-21885-2021 (O&M)**

rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).

7. The judgement in the case Uma Devi (supra) also distinguished between “irregular” and “illegal” appointments underscoring the importance of considering certain appointments [2024] 1 S.C.R. 1230 even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case...” xxx

26. While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between “illegal” and “irregular” appointments. It categorically

**CWP-21885-2021 (O&M)**

held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines

**CWP-21885-2021 (O&M)**

employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.”

13. The said question of regularization of the services of an employee who has rendered service for long period of his life as is in the present case, again came up for consideration before the Hon’ble Supreme Court of India in **Civil Appeal No. 8157 of 2024 titled as Shripal and another Vs. Nagar Nigam, Ghaziabad, decided on 31.01.2025,** and in **Civil Appeal No. 8558 of 2018 titled as Dharam Singh and others versus State of U. P. and another decided on 19.08.2025,** wherein it has been held that where an employee has discharged the duties assigned to him/her for more than 10 years, all the efforts should be made to regularize the services of such employee, even if, posts are to be created for fulfilment of the said purpose.

The relevant paragraphs of the judgment passed in **Shripal’s case (supra)** judgment are as under :

“xxx 18. The impugned order of the High Court, to the extent they confine the Appellant Workmen to future daily-wage engagement without continuity or meaningful back wages, is hereby set aside with the following directions:

**CWP-21885-2021 (O&M)**

I. The discontinuation of the Appellant Workmen's services, effected without compliance with Section 6E and Section 6N of the U.P. Industrial Disputes Act, 1947, is declared illegal. All orders or communications terminating their services are quashed. In consequence, the Appellant Workmen shall be treated as continuing in service from the date of their termination, for all purposes, including seniority and continuity in service.

II. The Respondent Employer shall reinstate the Appellant Workmen in their respective posts (or posts akin to the duties they previously performed) within four weeks from the date of this judgment. Their entire period of absence (from the date of termination until actual reinstatement) shall be counted for continuity of service and all consequential benefits, such as seniority and eligibility for promotions, if any.

III. Considering the length of service, the Appellant Workmen shall be entitled to 50% of the back wages from the date of their discontinuation until their actual reinstatement. The Respondent Employer shall clear the aforesaid dues within three months from the date of their reinstatement.

IV. The Respondent Employer is directed to initiate a fair and transparent process for regularizing the Appellant Workmen within six months from the date of reinstatement, duly considering the fact that they have performed perennial municipal duties akin to permanent posts.

**CWP-21885-2021 (O&M)**

In assessing regularization, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never applied to the Appellant Workmen or to similarly situated regular employees in the past. To the extent that sanctioned vacancies for such duties exist or are required, the Respondent Employer shall expedite all necessary administrative processes to ensure these longtime employees are not indefinitely retained on daily wages contrary to statutory and equitable norms.”

14. A bare perusal of the above reproduction would show that the Hon’ble Supreme Court of India has held that even if, there is no post to accommodate an employee, the employer is to ignore non-availability of the post and rather create such post for regularisation of such employee and even direction was given not to apply any educational or procedural certificate retrospectively if same were never applied to the Workmen or to similarly situated regular employees in the past.

15. Hence, in the light of the above said law, the claim of the petitioner is to be considered in the facts and circumstances of the present case.

16. It is a conceded fact that vide order dated 11.01.2022 (Annexure R-1) the service of the petitioner have been regularized. The said order dated 11.01.2022 (Annexure R-1) passed by the Authority concerned is as under:-

“OFFICE OF THE DIRECTOR GENERAL OF POLICE. U.T.,

CHANDIGARH



CWP-21885-2021 (O&M)

ADDL.DELUX BUILDING, SECTOR-9 CHANDIGARH-160009

ORDER

Whereas Sh. Karam Chand S/o Late Sh. Duni Chand, had worked as daily wage cook w.e.f 27.09.1990 to 23.04.2019 and his services was terminated vide order No. 16957-60/UT/EIII dated 23.04.2019 as he was completed above 62 years of age (his date of birth was 21.05.1955).

2. And whereas the Chandigarh Administration had framed a policy vide circular letter No. 28/64/2013-IH (7)-2013/2645 dated 10.02.2014 for regularization of service of daily wages/work charged employees working in various departments of Chandigarh Administration. However to implement the judgment dated 03.04.2014 in Civil Appeal No. 6779 of 2009 titled as U.T. Chandigarh and others Vis Sampat Singh and others this policy has been notified vide No. 28/64-IH(7)-2015/5459, dated 13.03.2015.

3. Now, therefore as per the policy framed by the Chandigarh Administration as mentioned in the above noted para, the services of Sh. Karam Chand S/o Late Sh. Duni Chand, daily wage cook are, hereby, deemed to be regularized from 27.09.1990 to 23.04.2019 (total length of service rendered by him was 28 years 6 months and 26 days)

4. The case for pensionary benefits in respect of Sh. Karam Chand S/o Late Sh. Duni Chand, Daily wage cook terminated on 23.04.2019 shall be prepared and release to him in due course of time.

Omvir Singh, IPS
Dy. Inspector General of Police,
Union Territory, Chandigarh.

1363-70

NO. /UT/E3 dated, Chandigarh, the:11-1-2022

A copy is forwarded to the following for information and necessary action:-

1. The AG (A&E), UT, Chandigarh.
2. The Treasury Officer, UT, Chandigarh
3. AC(F&A)
- 4 SO(Accttts)
5. I/C Pension Branch (A-7). She is requested to prepare pension case in respect of the official (Daily wage cook) and send to the AG (A&E) office timely. Service book of official will

**CWP-21885-2021 (O&M)**

be sent in 2-3 days duly completed in all respect.

6. *Sh. Karam Chand aged 65 years S/o Late Sh. Duni Chand r/o House No. 1768 Sector 45-B, Burail, UT, Chandigarh. He is requested to contact pension branch PHQ on any working day from 9 am to 5 pm to complete the pension formalities for preparation of pension case for onward transmission to the AG(A&E) UT Chandigarh.*

7. *Sh. Sumeet Jain, Additional Standing Counsel r/o H.No. 772, Sector 7 Panchkula (Haryana). He is requested to apprise the Hon'ble High Court on 12.01.2022 (date of hearing) in CWP No. 21885/2021 titled as Karam Chand Slo Lale Sh. Duni Chand v/s UOI & Ors that department is considering the claim of the petitioner as per policy decision of the Chandigarh Administration dated 13.03.2015.*

8. *Sh. Raj Kumar Saini (Sub Inspector) Court Pairvi officer (Civil Matters)*

11/01/2022

*(Jasbir Kaur).
Superintendent (Admn) for
Dy. Inspector General of Police,
Union Territory, Chandigarh."*

17. A bare perusal of the above would show that the respondents, on the basis of settled principles of law and the policy framed by U.T., Chandigarh in that regard, considered the claim of the petitioner for regularization of his services and passed an order regularizing his services with effect from the date of his initial appointment, i.e., 27.09.1990. It was further held that his total period of service up to 23.04.2019, i.e., 28 years, 06 months and 26 days, will be taken into account for grant of pensionary benefits upon him attaining the said benefit of regularization.

18. Once concededly the said order continues to be in operation even as of today, the denial of pensionary benefits to the petitioner is not only illegal but also arbitrary and contrary to settled principles of law.

19. Even otherwise, once a benefit has been granted to an employee

**CWP-21885-2021 (O&M)**

after due consideration of his claim, but has not been implemented for a period of four years, that too without any valid justification, the same clearly shows that the respondents have violated their own order which cannot be allowed.

20. Further, in the absence of the said order having been withdrawn, the respondents are under obligation to implement the order dated 11.01.2022 (Annexure R-1).

21. The only reasons given by the respondents for not implementing the order dated 11.01.2022 are: (i) that the petitioner was overage at the time of his appointment in the year 1990; (ii) that instead of treating the petitioner as having superannuated, the word “terminated” was used in the relieving order; and (iii) that the petitioner was a daily wager at the time of his retirement and there was no order passed by a competent court of law directing regularization of his services.

22. All the aforesaid reasons given by the learned counsel for the respondents are untenable and cannot justify withholding the implementation of the order dated 11.01.2022 (Annexure R-1) regularizing the services of the petitioner.

23. Even if the petitioner was overage at the time of his initial appointment, it is a conceded fact that he had rendered continuous service for 28 years, 06 months and 26 days till he attained the age of superannuation. Once such service of the petitioner has been treated as regular service vide order dated 11.01.2022 (Annexure R-1), he is certainly entitled to pensionary benefits.

24. Merely because, inadvertently, the word “terminated” has been

**CWP-21885-2021 (O&M)**

mentioned instead of “superannuated”, at the time of relieving the petitioner, the respondents ought to have rectified the same rather than making the same as a ground to deny the benefit of regularisation granted to the petitioner vide order dated 11.01.2022 (Annexure R-1) which was passed in his favour more than four years ago.

25. Further, even if the competent court in the year 2003 did not grant the benefit of regularization to the petitioner, but the law in this regard has substantially change thereafter so as to consider long and continuous service rendered by an employee as qualifying service for the purpose of grant of pensionary benefits. The relevant judgments in this regard have already been referred to hereinabove.

26. Hence the reasons given by the respondents for not implementing the order dated 11.01.2022 (Annexure R-1) regularising the service of the petitioner is incorrect and cannot be accepted for not implementing the order dated 11.01.2022.

27. Accordingly, the respondents are directed to implement the order dated 11.01.2022 (Annexure R-1) within a period of *four weeks* from the date of receipt of a certified copy of this order, along with all consequential benefits. All arrears accruing therefrom shall also be released to the petitioner within the aforesaid stipulated period. Keeping in view the totality of the facts and circumstances, the petitioner also becomes entitled for grant of the interest @ 6% per annum from the date the said amount accrued i.e. 11.01.2022 till the actual payments have been be released to him.

28. In view of the above, the impugned order dated 30.09.2019 passed by the Tribunal cannot be sustained in the eyes of law, espeicially in



CWP-21885-2021 (O&M)

view of the subsequent development whereby, vide order dated 11.01.2022, the services of the petitioner have already been regularized by the respondents themselves, hence, the same is hereby set aside.

29. The present writ petition is allowed in above terms.
30. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

16.04.2026

Riya
Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No