



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

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CWP-15331-2026 (O&M)
Date of decision: 25.05.2026

Ajmer Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shubhashish Kukreti, Advocate
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

Mr. Abhilaksh Gaind, Standing Counsel
with Mr. Rakesh Roy, Advocate
and Ms. Priya Jarial, Advocate
for respondents No.2 to 5.

HARPREET SINGH BRAR J. (Oral)

1. The present 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 petitioner, who has been working since 1983, and to grant him all consequential benefits arising from regularization.

CONTENTIONS

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner joined as Trolley Man on daily wages with the respondents at Market Committee, Patran in February 1983 and has been continuously working for more than 43 years. He refers to the Resolution dated 21.09.2010 (Annexure P-1) whereby the respondents



themselves regularized the services of the petitioner from Trolley Man to Sewadar, which was never cancelled or recalled. He further submits that Hoshiar Singh, who was appointed along with the petitioner, was regularized after approaching this Court, whereas the petitioner has been discriminated against. He also places reliance on the letter dated 25.02.2025 (Annexure P-4) issued by the Joint Controller (Finance & Account) directing the release of increased salary and arrears to the petitioner.

3. *Per contra*, learned counsel for the respondents submits that the petitioner was not appointed against any sanctioned post and was merely a daily wage worker. He submits that the Resolution dated 21.09.2010 is illegal and the petitioner does not possess the requisite educational qualification to be regularized. Moreover, no regularization can be granted to daily wage workers who were not appointed through a proper selection process. He further contends that the Court cannot direct creation of posts or regularization in the absence of sanctioned posts.

4. In rebuttal, learned counsel for the petitioner submits that the Resolution dated 21.09.2010 was never cancelled, recalled, or challenged by the respondents at any point. He argues that the respondents themselves regularized the petitioner's services and are now *estopped* from taking a contrary stand. He further submits that the petitioner has been working continuously for over 43 years without any complaint, which fact has not been disputed. He contends that the



respondents have regularized several similarly situated employees, including Hoshier Singh, which amounts to hostile discrimination and violates Article 14 of the Constitution of India.

OBSERVATION & ANALYSIS

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. It transpires from the record that the petitioner was appointed in February 1983 as a Trolley Man on daily wages with the respondents at Market Committee, Patran. It is not in dispute that the petitioner has been continuously working with the respondents for more than 43 years without any complaint against him.

7. Admittedly, the respondents themselves passed Resolution No. 20 dated 21.09.2010 (Annexure P-1), whereby the services of the petitioner were regularized from the post of Trolley Man to that of Sewadar, subject to a probation period of two years. The said resolution specifically records that the petitioner had been working on the minimum scale for the preceding 20–22 years. The respondents' own stand regarding such regularization is further corroborated from the record, inasmuch as the Joint Controller (Finance & Accounts), Punjab Mandi Board, vide letter dated 25.02.2025 (Annexure P-4), directed the Secretary, Market Committee, Patran to initiate the process for release of enhanced salary, allowances, and arrears payable to the petitioner consequent upon his regularization from Trolley Man to Sewadar.



8. The respondents have not placed on record any material to demonstrate that Resolution dated 21.09.2010 was ever cancelled, recalled, set aside, or challenged before any competent authority. Rather, it is only now, for the first time, that a plea has been raised alleging that the said resolution was illegal and without basis. A conjoint reading of Resolution dated 21.09.2010 (Annexure P-1) and letter dated 25.02.2025 (Annexure P-4) clearly establishes that the respondents themselves acknowledged and acted upon the petitioner's regularization, at least from 21.09.2010 till 25.02.2025. In such circumstances, the respondents cannot now be permitted to take a complete volte-face and arbitrarily contend that the petitioner was never regularized at all.

9. Moreover, it is also undisputed that another employee, similarly situated to the petitioner, was granted the benefit of regularization pursuant to directions issued by this Court. The same stands unequivocally established from the respondents' own communication dated 25.02.2025 (Annexure P-4). In such circumstances, the respondents were obligated to extend identical treatment to the present petitioner as well, instead of compelling him to once again approach this Court for the very same relief. The action of the respondents, therefore, is clearly arbitrary and discriminatory. Reliance in this regard may be placed upon the judgment rendered by a Two-Judge Bench of the Hon'ble Supreme Court in ***Lt. Col. Suprita Chandel v. Union of India 2024 INSC 942***.



10. Further, a Coordinate Bench of this Court in ***Amrish Sharma and others v. State of Punjab and others (CWP-19238-2013)*** decided on 26.02.2024, has conclusively laid down that regularization cannot be denied on the ground of lack of sanctioned post or minimum educational qualification.

11. Moreover, the judgment rendered in ***Amrish Sharma (supra)***, was upheld by the Division Bench of this Court in ***State of Punjab and others v. Sarwan Ram and others (LPA-2032-2024)***, which further established that, once the appellants have not disputed the length of service of the respondents, they cannot deny their legal right for being considered or entitled to regularization merely on the ground that they have been working as such on daily wages. Further, the Division Bench stated that the daily wages are only employed as a stop gap arrangement for a limited period, but where employees have worked for more than three decades, they cannot be termed to be daily wages. The State cannot be allowed to play according to their convenience by availing services for decades and then denying the benefit of regularization on the ground of lack of sanctioned posts.

CONCLUSION

12. In the wake of above discussions and findings, the present petition is allowed and the respondents are directed to regularize the services of the petitioner with effect from the date on which similarly situated employee Hoshiar Singh was regularized and extend him all the consequential benefits, including seniority, arrears of salary and



allowances as were granted to the said employee (Hoshiar Singh). If no order of regularization is passed within a period of 06 weeks from today, the petitioner shall be deemed to be regularized. The petitioner shall also be entitled to counting of past service and other benefits as per judgments rendered by this Court in *Harbans Lal v. State of Punjab, CWP No.2371 of 2010* and *State of Haryana and others v. Jai Bhagwan, LPA No.1892 of 2019*.

(HARPREET SINGH BRAR)
JUDGE

25.05.2026
yakub

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