



104

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

CM-4286-CWP-2026 in/and
CWP-22796-2018 (O&M)
Date of decision: 27.03.2026

Dalwinder Singh and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jatinder Singh Gill, Advocate
for the applicant/petitioners.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Vikas Chatrath, Senior Advocate with
Mr. Anirudh Malhan, Advocate,
Mr. Abhishek Sharma, Advocate,
Mr. Navdita Rathore, Advocate and
Ms. Preet Agroa, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

CM-4286-CWP-2026

The present application has been filed under Article 226 of the Constitution of India read with Section 151 of Code of Civil Procedure for preponement of the present writ petition to an earlier date.

In view of the averments made in the application, the same is allowed for the sake of disposal of the main case and the main case is taken up on board today itself.

CWP-22796-2018 (O&M)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the order dated 25.07.2018 (Annexure P-22) passed by respondent No.2.



CM-4286-CWP-2026 in/and
CWP-22796-2018 (O&M)

-2-

2. Learned counsel for the petitioner *inter alia* contends that the issue involved in the present writ petition is squarely covered by the judgment rendered by this Court in CWP No.24697 of 2025 titled as ***Sandeep Singh and others Vs. State of Punjab and others*** along with bunch of petitions, decided on 09.02.2026 (Annexure A-1). On 07.09.2018, the following order was passed:-

“The four petitioners were appointed as Chowkidar/Sewadar/Class-IV vide order dated 30.06.2015 (Annexure P-17) by the Market Committee, Jhabal/respondent No.3 in pursuance to the Resolution dated 29.06.2015 (Annexure P-16), passed by the Market Committee.

The grievance of the petitioners is that at the instance of strangers, who filed an appeal against the Resolution dated 29.06.2015 (P-16), the Secretary of the Punjab Mandi Board, while exercising powers under Section 33 (4) (i) of the Punjab Agricultural Produce Markets Act, 1961, has proceeded to cancel the Resolution dated 29.06.2015 (P-16) recommending the appointments of the petitioners.

It is contended that neither was an appeal maintainable against the Resolution nor the Secretary has the jurisdiction to cancel the Resolution in exercise of the powers under Section 33 (4) (i) of the 1961 Act.

Notice of motion for 22.10.2018.

On the asking of the Court, Mrs. Anu Chatrath Kapur, Addl. Advocate General, Punjab, accepts notice on behalf of respondent No.1/State.

Mr. Vikas Chatrath, Advocate, accepts notice on behalf of respondent Nos.2 & 3/Punjab Mandi Board.

Learned counsel for the petitioner undertakes to furnish requisite number of copies of the paper book to counsel for respondent No.1/State as also to respondent Nos.2 & 3/Punjab Mandi Board during the course of day.



*Let the private respondent Nos.4 to 12 be served through **dasti** summons as well.*

*In the meanwhile, the operation of the impugned Appellate Order dated 25.07.2018 (**Annexure P-22**) shall remain stayed.”*

3. This Court in **Sandeep Singh’s case (supra)** formed a specific question that “Whether the Secretary, Punjab Mandi Board was competent to pass the impugned orders passed by Market Committees under Section 33 (4) of the Punjab Agricultural Produce Market Act, 1961 in view of the delegation of powers by the State Government vide Memo dated 05.07.2002?” and the said question was answered by this Court in the following manner:-

“26. Accordingly, this Court is of the considered view that when the very proposal seeking delegation of powers was not in accordance with law, the approval accorded by the State Government thereto cannot be sustained. Consequently, the Secretary, Punjab Mandi Board, lacked the requisite competence to pass the impugned orders under Section 33(4) of the 1961 Act, nullifying the appointment of the petitioners, since the delegation itself is invalid in the eyes of law. It is, however, clarified that the respondent-Board shall be at liberty to pass an appropriate resolution with respect to delegation of its powers and seek fresh approval qua the same from the State Government, in accordance with law.

27. Furthermore, the declaration rendered herein, holding the delegation of the Board’s powers to its Secretary to be invalid, cannot be allowed to become a spring board to reopen or assail other orders passed by the Secretary in exercise of such delegated authority. Thus, having regard to the peculiar facts and circumstances of the present bunch of cases, it is clarified that



operation of this finding shall remain confined to the present petitions alone and shall not be treated as a precedent for other cases. All decisions taken by the Secretary of the respondent-Board pursuant to the impugned delegation, which have remained unassailed till date and have attained finality, cannot be reopened merely on the basis of the aforesaid direction. Since the delegation is bad in law, it is also made clear that the Secretary of the respondent-Board shall not take any further actions in exercise of the same. The state of affairs, as they existed prior to the said delegation, shall stand restored.

CONCLUSION

40. In view of the foregoing discussion, the questions framed above are answered in the following terms: -

A. The delegation of the Board's powers under Section 33(4) of the Punjab Agricultural Produce Markets Act, 1961 in favour of the Secretary is held to be invalid. Consequently, the Secretary, Punjab Mandi Board lacked the competence to pass the impugned orders dated 01.08.2025 (Annexures P-19 to P-21), as such, the said orders are hereby quashed. However, it is reiterated that the finding declaring the delegation of powers to the Secretary as invalid is confined to the present bunch of petitions in view of their peculiar facts and cannot be allowed to be used as a spring board to reopen or challenge other orders passed under the said delegation, which have remained unassailed till date and have attained finality.

*B. The reliance placed upon the minutes of the meeting dated **30.03.2011 (Annexure P-23) in the impugned orders is wholly misconceived and unsustainable in law. The recruitment cannot be invalidated on the ground of alleged non-compliance with the aforesaid minutes of meeting, as it lacks the force of law.***

C. Public employment is a highly valued avenue of service, as it carries with it the assurance of stability, security and dignity. It is, therefore, imperative that the recruitment process remains

transparent, fair and free from arbitrariness. Having held that the delegation of the Board’s powers to its Secretary is invalid, this ground alone is sufficient to allow the present writ petitions. Nonetheless, in the interests of justice, the Administrative Secretary, Department of Agriculture & Farmers Welfare, Punjab shall be at liberty to examine only those cases, where the appointee lacked the prescribed minimum qualifications and where the appointment was secured by fraud or misrepresentation and to pass reasoned orders, in accordance with law, after affording the concerned candidates a reasonable opportunity of hearing. D. The petitioners shall be entitled to arrears of salary, if any, and all other consequential benefits for the period during which they actually discharged duties on their respective posts. Such arrears and benefits shall be calculated and released within a period of six weeks from the date of receipt of a certified copy of this order.

xxxx

xxxx

xxxx

4. *Per contra*, learned counsel for respondents No.2 & 3 is not in a position to distinguish the case of the petitioners from the petitioners in ***Sandeep Singh’s case (supra)***.
5. In view of the above, the present petition is disposed of in terms of the judgment rendered by this Court in ***Sandeep Singh’s case (supra)*** and the impugned order dated 25.07.2018 (Annexure P-22) passed by respondent No.2 is hereby quashed.
6. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)

JUDGE

27.03.2026

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No