



CWP-4679-2015

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

(142)

CWP-4679-2015

Date of Decision : 22.01.2026

Superintendent Engineer PWD D&P,
Water Supply and Sanitation Division,
Gohana Road, Sonapat and another

...Petitioners

Versus

Haryana Govt. PWD Mechanical Workers
Union and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Bhupender Singh, Addl. AG, Haryana
for the petitioners.

Mr. K.S. Kahlon, Advocate
for respondent No.1.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner/Management, which is the State of Haryana, has filed the instant writ petition, cast under Article 226/227 of the Constitution of India, to throw a challenge to the award dated 21.05.2014 (Annexure P-6), passed by the learned Industrial Tribunal cum Labour Court, Panipat, wherethrough, the reference was answered in favour of the respondent No.1/workman-Union, and through the award (supra), the learned Industrial Tribunal concerned, by applying the principle of '*equal pay for equal work*', granted relief and held the respondent No.1/workman-Union, entitled to the salary on the post of WPO.

2. Learned counsel for the petitioner/Management, challenged the award only on the ground, that there was a considerable delay in approaching

the Court. However, he fairly concedes that the junior of the



respondent No.1/workman-Union, has approached this Court, by filing CWP-18974-1998, titled '**Ábdul Kayum and another versus State of Haryana and others**' wherein, they were held entitled to the wages equal to the post of WPO, and the said writ petition was decided on 26.09.2020 (Annexure P-3), by Coordinate Bench of this Court.

3. This Court has considered the judgment passed in **Abdul Kayum (supra)**. The relevant is extracted hereinafter :-

“The primary reason for denial of the relief of regularisation as explained by the respondents is that though the petitioners were Matriculates but they did not possess the technical qualification of ITI certificate and, therefore, they could not be considered for regularisation on class-III post of Water Pump Operator. Another reason for declining the relief was that the petitioners were recruited as daily rated employees in the category of skilled workers on muster rolls and not as daily rated class-III employees as is being claimed by them. On the face of the above, the plea taken by the respondents is against the requisite qualification prescribed for the post of Water Pump Operator Grade-II as indicated in Annexure R-1. It is further indicated in Annexure R-1 that in the absence of ITI certificate the requirement is only of being a literate with a minimum of five years experience. Admittedly, the petitioners are Matriculates and they had been working on the post of WPO-II/APO continuously for five years on daily wages on the date when their cases for regularisation were considered. Regularisation of services of an employee by itself implies the regularisation of services he has rendered already as daily wager and it is only to be regularised in the case of the petitioners also as they were working on daily wages as WPO-II/APO. At the time of regularisation, they cannot be denied the benefit of regularisation on the same post on the ground that it will



fall in class-III post. The petitioners have been regularised on the post of Pump Attendants which is a class-IV post and this on the face of it is contrary to the spirit of the notifications issued by the State Government for regularisation of services of the daily rated employees. A similar controversy has already been settled by this Court in Civil Writ Petition No. 19708 of 1998 (Tej Parkash Gaur and another Vs State of Haryana and others) and Civil Writ Petition No. 19709 of 1998 (Harish Chander Versus State of Haryana and others), both decided on 14.09.1998. In both these petitions, the petitioners were inducted into the service of the respondent-Department against the post of Water Pump Operator Grade-II, which was earlier designated as Assistant Pump Operator, on daily wage basis. However, their services were regularised against the post of Pump Attendants, which is a class-IV post. They challenged this action by means of aforesaid writ petitions. The writ petitions were allowed and the respondents were directed to regularise the petitioners in class-III service against the post of WPOII/APO in terms of the instructions as are contained in Annexures P-3 and P-4 with this petition. It was observed in the aforesaid two decisions that the conclusion arrived at therein was supported by a decision of the apex Court in Civil Appeal Nos.1579-80 of 1998, titled as Amrit Lal versus State of Haryana and others, decided on 18.3.1998 and from the decisions of this Court in CWP No. 15051 of 1995, titled as Puran Chand and others Versus State of Haryana and others, decided on 13.8.1996.

It goes without saying that the entries contained in the service books of the petitioners which were duly verified by the concerned authorities manifestly show that the petitioners were continuously working as WPO-II/APO and discharging their duties as such to the satisfaction of the authorities. There is thus, no reason why they should be



downgraded to Class-IV posts at the time of their regularisation.

For the reasons aforesaid, these writ petitions are allowed.

The respondents are directed to regularise the services of the petitioners on class-III post of Water Pump Operator Grade-II/Assistant Pump Operator in terms of the instructions dated 7.3.1996 and 18.3.1996. The petitioners shall also be entitled to all consequential benefits that may flow on their regularisation as directed above. These directions shall be complied with within a period of three months from the date of receipt of a copy of this order.”

4. It was also informed by the learned State counsel that post the verdict in **Abdul Kayum (supra)**, the case of the respondent No.1/workman-Union was considered for regularization and they have now been regularized.

5. In view of the above that the juniors to the respondent No.1/workman, has already been held entitled to the wages equal to the post of WPO, and the same is covered by **Abdul Kayum (supra)**, therefore, there is no merit in the instant writ petition, and the same is hereby **dismissed**.

(KULDEEP TIWARI)
JUDGE

January 22, 2026
Manpreet

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