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

CM-2811-CWP-2026 in/and
CWP-27545-2017 (O&M)
Date of decision: 26.02.2026

Parveen

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dharambir Bhargav, Advocate
for the applicant/petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Vijay Kumar Kaushal, Advocate
for respondents No.3 to 10.

HARPREET SINGH BRAR, J. (ORAL)**CM-2811-CWP-2026**

The present application has been filed under Order 8 Rule 9 read with Section 151 of CPC for placing on record the affidavit of Maninder Singh, Executive Engineer, Punjab Water Supply and Sewerage Division, Jalandhar, Punjab, in compliance with the order dated 09.01.2026 passed by this Court.

In view of the averments made in the application, the same is allowed and the affidavit of Maninder Singh, Executive Engineer, Punjab Water Supply and Sewerage Division, Jalandhar, Punjab, in compliance with the order dated 09.01.2026 passed by this Court is taken on record.

CWP-27545-2017

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



certiorari for setting aside the decision dated 07.08.2017 (Annexure P-12).

Further, for issuance of directions to the respondents to consider the claim of the petitioner for regularization of her services.

2. On 09.01.2026, the following order was passed:-

“Learned counsel for the petitioner, inter alia, contends that the husband of the petitioner died in harness on 18.02.2006. Thereafter, the petitioner was appointed as a Sweeper in April, 2006 and has been working in the respondent-Board for almost 10 years. He further submits that the work and conduct of the petitioner has remained satisfactory throughout her service. Moreover, perennial work is being extracted from the petitioner. Thus, her service deserves to be regularized.

On the other hand, learned counsel for the respondents submits that the petitioner was engaged by the respondent-Board through an outsourcing service i.e. through a contractor. However, he seeks a short accommodation to have complete instructions and apprise this Court whether the petitioner is working as a Sweeper in the respondent Board as a part time or a full time employee.

On this request, adjourned to 04.02.2026.

To be taken up immediately after the urgent list.”

3. In compliance thereof, affidavit of Sh. Maninder Singh, Executive Engineer, Punjab Water Supply and Sewerage Division, Jalandhar, Punjab, has filed and learned counsel for respondents No.3 to 10 submits that the petitioner was engaged purely through an outsourcing agency and works as a part time Sweeper for three and a half hours per day only. The petitioner is not a full time employee and has no direct appointment with the department. He further relies upon the letter dated 02.02.2026 (Annexure R-3/1).

4. Having heard learned counsel for the parties and after perusal of the record with their able assistance, this issue is no longer *res integra*.



5. Moreover, a Two-Judge Bench of the Hon'ble Supreme Court in ***Union of India v. Ilmo Devi 2021(4) SCT 312*** speaking through Justice M.R. Shah has held as follows with regards to the regularization of part-time Sweepers who were working for less than five hours a day:

“8.6 In the case of Daya Lal & Ors. (supra) in paragraph 12, it is observed and held as under:-

12. We may at the outset refer to the following wellsettled principles relating to regularisation and parity in pay, relevant in the context of these appeals:

(i) The High Courts, in exercising power under Article 226 of the Constitution will not issue directions for regularisation, absorption or permanent continuance, unless the employees claiming regularisation had been appointed in pursuance of a regular recruitment in accordance with relevant rules in an open competitive process, against sanctioned vacant posts. The equality clause contained in Articles 14 and 16 should be scrupulously followed and Courts should not issue a direction for regularisation of services of an employee which would be violative of the constitutional scheme. While something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of the process, can be regularised, back door entries, appointments contrary to the constitutional scheme and/or appointment of ineligible candidates cannot be regularised.

(ii) Mere continuation of service by a temporary or ad hoc or daily-wage employee, under cover of some interim orders of the court, would not confer upon him any right to be absorbed into service, as such service would be "litigious employment". Even temporary, ad hoc or daily- wage service for a long number of years, let alone service for one or two years, will not entitle such employee to claim regularisation, if he is not working against a sanctioned post. Sympathy and sentiment cannot be grounds for passing any order of regularisation in the absence of a legal right.

(iii) Even where a scheme is formulated for regularisation with a cut-off date (that is a scheme providing that persons who had put in a specified number of years of service and continuing in employment as on the cut-off date), it is not



possible to others who were appointed subsequent to the cutoff date, to claim or contend that the scheme should be applied to them by extending the cut-off date or seek a direction for framing of fresh schemes providing for successive cut-off dates.

(iv) Part-time employees are not entitled to seek regularisation as they are not working against any sanctioned posts. There cannot be a direction for absorption, regularisation or permanent continuance of part-time temporary employees.

(v) Part-time temporary employees in government run institutions cannot claim parity in salary with regular employees of the Government on the principle of equal pay for equal work. Nor can employees in private employment, even if serving full time, seek parity in salary with government employees. The right to claim a particular salary against the State must arise under a contract or under a statute.

[See State of Karnataka v. Umadevi (3) [(2006) 4 SCC 1], M. Raja v. CEERI Educational Society [(2006) 12 SCC 636], S.C. Chandra v. State of Jharkhand [(2007) 8 SCC 279], Kurukshetra Central Coop. Bank Ltd. v. Mehar Chand [(2007) 15 SCC 680] and Official Liquidator v. Dayanand [(2008) 10 SCC 1].

8.7 Thus, as per the law laid down by this Court in the aforesaid decisions part-time employees are not entitled to seek regularization as they are not working against any sanctioned post and there cannot be any permanent continuance of part-time temporary employees as held. Part-time temporary employees in a Government run institution cannot claim parity in salary with regular employees of the Government on the principle of equal pay for equal work.

(Emphasis added)

6. Reliance in this regard can also be placed on the judgment rendered by this Court in CWP-7614-2024 titled as ***Surinder Singh Vs. Punjab State Power Corporation Limited and others***, decided on 22.09.2025.

The relevant observation reads as under:-



*“11. In **Union of India and Ors. v. A.S. Pillai and Ors., 2010(4) S.C.T. 817**, a Two-Judge Bench of the Hon’ble Supreme Court denied the relief of regularization to part-time workers on the ground that that such employees, not being bound by service rules or departmental regulations applicable to regularly appointed staff, cannot claim parity in terms of equal pay or regularization. The Court emphasized that parttime workers remain at liberty to take up engagements elsewhere, as there is no restraint upon them when they are not serving the authority/employer. Reliance can also be placed on the judgments of the Hon’ble Supreme Court in **Secretary to Government, School Education Department, Chennai v. Thiru R. Govindaswamy 2014(2) SCT 221** and **State of Rajasthan v. Daya Lal, 2011(2) SCC 429**. Further, the Division Benches of the Delhi and Gujarat High Court in **Post Master Main Post Office v. Bir Singh 2023 NCDHC 6087** and **State of Gujarat v. Mahesh Ramjibhai Purabia (R/LPA No. 1142 of 2018)** have relied on the aforementioned judgments and denied the relief on regularization to part-time workers who are not working against any sanctioned posts.*

*12. Admittedly, the petitioner has been serving as a part-time Sweeper with the respondent/Corporation, not against any sanctioned post, and **for no more than four hours a day** (Annexure P-13). Being engaged only part-time, he remains free to take up employment elsewhere and faces no restraint from working for another establishment during the remaining hours. The contention that such part-time engagement makes it nearly impossible for him to secure work for the rest of the day is founded merely on surmises and conjectures and,*



*therefore, is untenable. This very plea had earlier been rejected by the Hon'ble Supreme Court in the **Ilmo Devi case (supra)** with regards to **part-time workers working for less than five hours in a day.***

(emphasis added)

7. In view of the discussion above, the present civil writ petition is hereby dismissed in terms of judgment rendered by this Court in ***Surinder Singh's case (supra)***.

8. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

26.02.2026
Neha

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