

CWP-27951-2019

2026:PHHC:037636



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CWP-27951-2019

Date of decision: 11.03.2026

Harinder Singh

.....Petitioner

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Ms. Aarti, Advocate for the petitioner.

Mr. Vikas Sonak, AAG, Punjab-State.

Ms. Deepali Puri, Advocate with Mr. Arjun Dhaliwal, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been filed under Articles 226 of the Constitution of India seeking issuance of an appropriate writ, order or direction directing the respondents to absorb/adjust petitioner, who is a supervisor, on the post of Clerk as per decision of Board of Director as per Clause 1 of Supplementary Agenda dated 11.02.2010 (Annexure P-6) and in the light of judgment of this Court passed in CWP-16603-1997 on 02.06.2016 (Annexure P-9). Further for directing the respondents to give pay scale, grade pay and other service benefits which are given to Clerk.

2026.PHHC.037636



PETITIONER'S CONTENTION

2. Learned counsel for the petitioner, *inter alia*, contends that the controversy involved in the present case is squarely covered by the judgment rendered by this Court in ***CWP-16603-1997***, titled ***Harjit Singh and others Versus Punjab State Agricultural and Marketing Board, Chandigarh and others***, decided on 02.06.2016 (Annexure P-9). It is submitted that the respondent-Board had recommended the cases of all such employees for absorption; however, the decision of the Board remained pending on account of awaiting approval from the State Government. This court in ***Harjit Singh (supra)***, while placing reliance upon the judgment rendered by a Coordinate Bench of this Court in ***CWP-6583-1999***, titled ***Ramji Dass and others Versus State of Punjab and others***, held that the State Government cannot interfere in the internal working of autonomous bodies. As such, they cannot be allowed to be hijacked by the government and wait for a nod for their independent actions. It was observed that the decisions taken by the Board are final since it is an autonomous body governed by its own set of Rules and Regulations. Therefore, a direction was issued by this Court to the Mandi-Board regarding the implementation of its orders.

2.1 In purported compliance with the aforesaid judgment, the respondent-Board implemented the directions and sought options from all eligible Supervisor who were willing to perform the duties of Clerk through circulating orders (Annexures P-11/T, collectively). The petitioner, in response thereto, submitted his representation dated

CWP-27951-2019

2026.PHHC.037636



21.07.2016 (Annexure P-14/T) and exercised his option, expressing his willingness to be merged in the cadre of Clerks on the ground that he had served for more than 28 years as a Typist and Clerk in different offices of the Board.

2.2 Thereafter, the petitioner continued to pursue the matter by submitting further representations for redressal of his grievance, as is discernible from representations dated (Annexures P-18/T and P-19/T), but no action was taken by the respondents. Consequently, the petitioner, being left with no efficacious alternative remedy, has been constrained to approach this Court by way of filing the present writ petition.

RESPONDENT'S CONTENTION

3. *Per contra*, learned counsel for the respondent-Board has opposed the prayer made by the petitioner by contending that similarly situated employees had earlier approached this Court by filing **CWP-16603-1997 (*supra*)**, which came to be decided on 02.06.2016 (Annexure P-9), whereas the present petitioner chose to remain a fence-sitter and cannot now be permitted to approach this Court at his convenience. It is argued that vigilant litigants cannot be equated with those who sleep over their rights and subsequently seek to claim the benefit of a judgment rendered in favour of others similarly situated. Learned counsel further submits that the petitioner has approached this Court only after realizing that a favourable order had been passed in favour of the other employees.

CWP-27951-2019

2026.PHHC.037636



3.1 Learned counsel for the respondents has further relied upon Annexure R-4, appended with the reply filed on behalf of respondent No.2 and submitted that the Department of Agriculture, Government of Punjab, vide letter dated 08.09.2017 (Annexure R-4), has declined to extend the benefit granted to the petitioners in **CWP-16603-1997 (supra)** to any other employee in future and has further observed that the recommendations sent for filling up 33 posts of Clerks are no longer justified.

3.2 However, learned counsel for the respondents has not been able to distinguish the case of the present petitioner from the case of **Harjit Singh (supra)**, which itself was decided by relying upon the judgment rendered by a Coordinate Bench of this Court in **Ramji Dass (supra)**. It is also not disputed that the said judgment was implemented by the respondent-Board and options were sought by circulating orders (Annexures P-11/T, collectively) from all eligible Supervisor employees willing to perform the duties of Clerk.

3.3 Further, learned counsel for the respondents is also not in a position to controvert the fact that the judgment rendered by this Court in **Harjit Singh (supra)** has attained finality, inasmuch as the respondent-Board did not prefer any intra-court appeal against the said judgment.

OBSERVATIONS AND ANALYSIS

4. I have heard learned counsel for the parties at length and have carefully perused the record with their able assistance. From the material

CWP-27951-2019

2026.PHHC.037636



placed on record, it transpires that the petitioner was regularized on the post of Supervisor on 16.04.1999. However, prior thereto and even thereafter, the petitioner had been discharging the duties of Typist and Clerk since 22.02.1988 in various divisions of the respondent-Board. It is also not in dispute that similarly situated employees have already been granted the benefit of absorption in the cadre of Clerks in terms of the judgment rendered by this Court in **Harjit Singh (supra)**. The relevant extract of the said judgment reads as under:-

“2. If the Mandi Board has cleared the case of the petitioners and they are awaiting clearance from the State Government, then this Court cannot wait endlessly only to postpone the valuable rights of the petitioners to adjudge them only on approval which may come from the State Government. In view of the law laid down by K.Kannan, J. in *Ramji Dass and others vs. State of Punjab and others* (CWP No.6583 of 1999 decided on 24th May, 2013), I would not wait or grant further adjournments as the relationship between the State Government and its Boards and Corporations has been explained that there is in fact no jural relationship between the two as far as independent actions taken by the board towards its employees are concerned. State Government cannot interfere in the internal working of autonomous bodies which cannot be allowed to be hijacked by the Government or they must always wait for a nod of their independent actions, whether they are good or bad. The decision taken by the Board is final since it is an autonomous body governed by its own set of rules and regulations. When Mandi Board is prepared to give relief to the petitioners, then the decision would be treated

2026.PHHC.037636



as final and their action of seeking validation from Government as superfluous and accordingly a direction is issued to the Mandi Board to implement those orders, which may either have been passed or are proposed to be passed within reasonable time, preferably within two months from the date of receipt of a certified copy of this order. The matter is already much delayed with the petitioner waiting expectantly for too long.

5. Pursuant to the aforesaid directions issued by this Court in ***Harjit Singh (supra)***, the respondent-Board implemented the said judgment vide office order dated 01.09.2016 (Annexure P-10, collectively), whereby the petitioners in ***Harjit Singh's case*** were adjusted in the cadre of Clerk against posts meant for direct recruitment with effect from 01.09.2016 on the pay scale of Rs.10300-34800 with Grade Pay of Rs.3200.

6. It is also pertinent to note that the petitioner approached this Court while still in service. In view of the undisputed factual position that the petitioner had been performing the duties of Typist and Clerk for a considerable period of time, spanning over three decades, and keeping in view the principle of parity with similarly situated employees who have already been extended the benefit in terms of the judgment in ***Harjit Singh (supra)***, this Court is of the considered opinion that the petitioner cannot be denied the same benefit, as granted to his counterparts.

7. Consequently, in light of the foregoing discussion, the present writ petition deserves to be allowed. The respondents are accordingly directed to consider and grant the claim of the petitioner in terms of the law

CWP-27951-2019

2026.PHHC.037636



laid down by this Court in *Harjit Singh (supra)*. However, the monetary benefits arising therefrom shall be restricted to a period of 38 months preceding the date of filing of the present writ petition. The respondents shall further ensure that all consequential benefits are released to the petitioner along with interest @ 6% per annum, to be calculated till the date of actual realization.

8. All pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

March 11, 2026

P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable : Yes/No