

2026:PHHC:019738



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-24697-2025 (O&M)

Sandeep Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

2. CWP-12925-2014 (O&M)

Prabhjot Singh and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

3. CWP-13087-2014 (O&M)

Jaspreet Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

4. CWP-27149-2017 (O&M)

Sharnjit Singh

... Petitioner

Vs.

Punjab Mandi Board and another

... Respondents

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5. CWP-22984-2018 (O&M)

Gurpreet Singh and others

... Petitioners

Vs.

Punjab Mandi Board and others

... Respondents

6. CWP-25369-2021 (O&M)

Radha Raman

... Petitioner

Vs.

Punjab Mandi Board and others

... Respondents

7. CWP-27150-2017 (O&M)

Gurpreet Singh

... Petitioner

Vs.

Punjab Mandi Board and another

... Respondents

8. CWP-27589-2017 (O&M)

Inderpal Singh

... Petitioner

Vs.

Punjab Mandi Board and another

... Respondents

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9. CWP-27733-2017 (O&M)

Gurpreet Singh and another

... Petitioners

Vs.

The Punjab State Agricultural Marketing Board and another

... Respondents

10. CWP-27744-2017 (O&M)

Sarabjit Singh and others

... Petitioners

Vs.

The Punjab State Agricultural Marketing Board and another

... Respondents

11. CWP-19838-2018 (O&M)

Vikram Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

12. CWP-24339-2025 (O&M)

Nikson and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

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13. CWP-26813-2025 (O&M)

Prabhjot Kaur and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

14. CWP-25064-2025 (O&M)

Sukhjinder Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

15. CWP-24696-2025 (O&M)

Lakhwinder Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

16. CWP-25021-2025 (O&M)

Amrik Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

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17. CWP-24921-2025 (O&M)

Lovepreet Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

18. CWP-24840-2025 (O&M)

Pritam Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

Reserved on: 15.01.2026
Pronounced on: 09.02.2026
Uploaded on: 10.02.2026

Whether only the operative part of the judgment is pronounced ? No

Whether full judgment is pronounced ? Yes

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.S. Patwalia, Sr. Advocate with
Ms. Priyanka Chaudhary, Advocate
for the petitioner(s) (in CWP-24697-2025).

Mr. Pawan Kumar Goklaney, Advocate and
Mr. Ashish Goklaney, Advocate
for the petitioner(s)
(in CWP-12925, 27149, 27150 of 2014).

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Mr. Jasdeep Singh Gill, Sr. Advocate with
Mr. J.S. Pannu, Advocate
for the petitioners (in CWP-26813-2025).

Mr. Randeep Singh, Advocate
for the petitioner (in CWP-25369-2021).

Mr. Ujwal Anand, Advocate
for the petitioners (in CWP-27733-2017).

Mr. Nandan Jindal, Advocate
for the petitioners (in CWP-27744-2017).

Mr. Kapil Kakkar, Advocate
for the petitioners (in CWP-22984-2018).

Mr. K.B. Raheja, Advocate
for the petitioner (in CWP-13087-2014).

Mr. P.S. Dhaliwal, Advocate
for the petitioner(s) (in CWP-25064 & 24921-2025).

Mr. Gaurav, Advocate for
Mr. Rajbir Singh, Advocate
for the petitioner (in CWP-19838-2018).

Mr. Rakesh Sobti, Advocate
for the petitioners (in CWP-24339-2025).

Mr. Parambir Singh, Advocate
for the petitioner(s) (in CWP-25021 & 24696 of 2025).

Mr. Gagneshwar Walia, Advocate and
Mr. Fateh Singh Dhillon, Advocate
for the petitioners (in CWP-27589-2017).

Mr. Vikas Arora, DAG, Punjab.

Ms. Harkirat Kaur, Advocate with
Mr. Deepak Arora, Advocate
for respondent No.3 in CWP Nos.27733 & 27744 of 2017.

Mr. Sanjeev Sharma, Advocate
for respondents No.2 & 3 (in CWP-26813-2025) and
for respondents No.2 to 4 (in CWP-24921-2025).

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Mr. Vikas Chatrath, Sr. Advocate with
Mr. Abhishek Singla, Advocate
Mr. Anirudh Malhan, Advocate
Mr. Abhishek Sharma, Advocate
Ms. Tanya Bhurji, Advocate
Ms. Haridhi Aggarwal, Advocate and
Ms. Priya Kaushik, Advocate
for the respondent-Mandi Board.
Mr. Vikrant Sharma, Advocate
for respondent No.4 (in CWP-22984-2018).

Mr. Sanjeev Sharma, Advocate
for respondent No.3 (in CWP-13087-2014) and
for respondents No.2 & 3 (in CWP-22984-2018).

Mr. Sanjeev Soni, Advocate,
Mr. Sarthak Soni, Advocate and
Ms. Nishtha Grover, Advocate
for respondent-Mandi Board
(in CWP-24696 & 24697 of 2025, 27149, 27150, 27589, 27733,
27744-2017 & CWP-25369-2021).

Mr. J.S. Bhatia, Advocate
for respondent No.5 (in CWP-24696-2025).

HARPREET SINGH BRAR, J.

1. This common order shall dispose of all the abovementioned 18 writ petitions, as they arise from a similar factual matrix and pose a common question of law. However, for the sake of brevity, the facts are taken from **CWP-24697-2025**.

2. Present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing of the impugned orders dated 01.08.2025 (Annexures P-19 to P-21) passed by the respondent-Punjab Mandi Board. By way of these orders, the

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respondent-Board cancelled resolutions dated 08.11.2011, 13.03.2012, 13.02.2012, 18.07.2011, and 18.08.2011, through which the petitioners' respective appointments were originally approved. Furthermore, the petitioners seek issuance of a writ of *certiorari* to quash the letter dated 05.07.2002 (Annexure P-22), vide which the Government of Punjab delegated the powers of the respondent-Board, as enumerated under Section 33(4)(i), (ii) & (iii) of the Punjab Agricultural Produce Markets Act, 1961, to the Secretary of the respondent-Board. Additionally, a writ of *mandamus* is sought for issuance of direction to the respondents to promote the petitioners in their respective cadres and release all pending dues along with interest @8% *per annum*.

FACTUAL BACKGROUND

3. Briefly stated, the facts, as alleged, are that the services of the petitioners are governed by the Punjab Market Committees (Class-III) Service Rules, 1989 (Annexure P-1), the Punjab Market Committees (Class-IV) Service Rules, 1989 (Annexure P-2) and the Punjab Agricultural Produce Markets Act, 1961 (for short '1961 Act') (Annexure P-11). In compliance with these Service Rules, the respondent-Market Committee issued an advertisement on 12.06.2011 (Annexure P-3) for the posts of Auction Recorder, Clerk, Chowkidar, Peon and Caretaker. The advertisement stipulated that selection would be made purely on the basis of educational qualification and merit. The petitioners applied in response to that. Thereafter, the duly constituted Recruiting Authority prepared a merit list based on academic merit.

4. Accordingly, the petitioners were issued appointment letters on

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23.06.2011 (Annexure P-7) under Rule 6 of the respective Service Rules, consequent to which they joined service on 26.06.2011. The appointments were subsequently approved by the Chairman and Secretary of the respondent-Market Committee vide Resolutions dated 18.07.2011, 13.03.2012, and 18.08.2011 (Annexures P-8 to P-10 respectively).

5. However, vide orders dated 20.11.2012 (Annexures P-12 & P-13), the Secretary of the respondent-Board annulled the selection of the petitioners by invoking powers under Section 33(4)(i) of the 1961 Act, which had been purportedly delegated to him vide letter dated 05.07.2002 (Annexure P-22) by the State Government. The grounds for annulment included: (i) advertisement published in only one newspaper; (ii) appointment of matriculate candidates as Chowkidars instead of middle pass; (iii) alleged violation of the Chief Minister's order dated 30.03.2011 regarding transparent recruitment through C-DAC, Mohali. The petitioners filed a revision petition against the orders dated 20.11.2012 (Annexures P-12 & P-13) before the State Government under Section 42 of the 1961 Act. While status quo was ordered on 17.12.2012 (Annexure P-14), the petition was ultimately dismissed vide order dated 16.05.2014 (Annexure P-15).

6. The petitioners then filed **CWP-19249-2014** seeking quashing of the orders dated 20.11.2012 (Annexures P-12 & P-13) as well as order dated 16.05.2014 (Annexure P-15). This Court, vide judgment dated 11.09.2019 (Annexure P-16), set aside the orders dated 20.11.2012 and 16.05.2014 on two primary grounds: a) the State Government cannot delegate the powers of the

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Board to its Secretary under Section 3(17) of the 1961 Act. As such, in absence of any specific provision in the 1961 Act granting such powers of delegation, the memo dated 05.07.2002 stood vitiated. b) The impugned orders were passed without granting an opportunity of hearing to the petitioners. Accordingly, this Court set aside the abovementioned orders with liberty to the respondents therein to pass fresh orders after affording an opportunity of being heard to the petitioners. Pending fresh orders, the petitioners were allowed to continue in service.

7. Aggrieved by the aforesaid order dated 11.09.2019 (Annexure P-16), the respondent-Board filed a review application. The Review Court, vide order dated 07.04.2025 (Annexure P-18), kept the question of delegation of powers **open** and directed the respondent-Board to implement the order dated 11.09.2019 (Annexure P-16). The relevant portion of the order dated 07.04.2025 is reproduced as under:

“5. Learned Senior Counsel appearing on behalf of the petitioners submits that once, the termination of the services of the petitioners has been held to be bad on more than one account which order is not being reviewed so as to recall the said findings in the order, in case, the question as to whether powers were delegated to the Secretary of the Punjab Mandi Board or not, can be kept open to be decided in another matter.

6. Keeping in view the above facts and circumstances of the present case by keeping the question open with regard to delegation of the powers by the Punjab Mandi Board to its Secretary as per the Section 3 (17) (ii) of the Punjab Agricultural Produce Market Act, 1961, the respondent Punjab Mandi Board is directed to implement the order dated

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11.09.2019 (Annexure 2/2A) passed by the Co-ordinate Bench of this Court in the main writ petition.

7. The Review applications have been disposed of in above terms.”

(emphasis added)

8. In compliance thereof, the Secretary, Mandi Board granted an opportunity of hearing to the petitioners on 27.05.2025. Thereafter, vide three separate orders dated 01.08.2025 (Annexures P-19 to P-21, respectively), the Secretary, Mandi Board again cancelled the resolutions approving the petitioners' appointments. Aggrieved by these orders, the petitioners have filed the present writ petition.

CONTENTIONS

9. Learned counsel for the petitioners, *inter alia*, contended that the petitioners have rendered 14 years of continuous, satisfactory and unblemished service. The petitioners were initially appointed by a duly constituted Recruiting Authority, as per the applicable statutory service rules. Subsequently, after serving the probation period, their service was confirmed. Thus, they have acquired a vested right to the post. Relying on ***Jaggo Vs. Union of India & ors., (2024) SCC OnLine SC 3826***, which clarified the scope of ***Secretary, State of Karnataka and others vs. Umadevi and others, 2006 (4) SCC 1***, it was contended that individuals with long, uninterrupted service (over 10 years) cannot be ousted solely on the ground of an irregular initial appointment. The petitioners are now over-aged and cannot seek alternative employment. Terminating their services after such a long period is

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manifestly arbitrary, unfair and violates Articles 14 and 21 of the Constitution of India.

10. It was submitted that the appointment of the petitioners was annulled by the Secretary, Mandi Board in purported exercise of powers under Section 33(4)(i) of the 1961 Act. However, Section 33(4)(i) of the 1961 Act only allows the Board to take such action. These powers were delegated to the Secretary by the State Government vide memo dated 05.07.2002 (Annexure P-22). Learned counsel contended that Section 3(17) of the 1961 Act expressly provides that the State Government may delegate its own powers to the Board or its Chairman/Secretary. Further, the Board may, with prior approval of the Government, delegate its powers to its Chairman/Secretary/officers. Notably, there is no provision in the Act for the State Government to delegate the Board's powers to the Board's Secretary. Therefore, the very foundation of the Secretary's authority to pass the impugned orders is *non est* in law. As such, the delegation is *ultra vires* the 1961 Act and any action taken pursuant thereto is nullity.

11. It was argued that under Section 20 of the 1961 Act and Rules 6 of both Service Rules, the Market Committee, being an autonomous body, is itself the appointing authority for its employees. Section 33(4) of the 1961 Act grants the respondent-Board the power to "*annul any proceedings*" of a committee, which is not in conformity with law. However, in the absence of an explicit provision providing for the same, the power under Section 33(4) of the 1961 Act cannot be used to cancel resolutions approving appointments or to

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terminate services of the employees. Thus, action of the respondent-Board is a statutory overreach, interfering with the Committee's autonomous functioning.

12. Learned counsel further submitted that the reliance placed on the Chief Minister's order dated 30.03.2011 (Annexure P-23) is wholly misplaced. The said document is merely "Minutes of a Meeting" and is neither a statutory rule nor a Government order. It is settled law that even executive instructions/guidelines cannot override statutory service rules. Furthermore, the advertisement expressly stated that selection would be on the basis of educational qualification and appointment will be made as per merit. The petitioners were selected based on academic merit by a duly constituted committee. Moreover, there is no statutory requirement for a written test. In the absence of a prescribed method, the committee is competent to devise its own fair criteria. Reliance in this regard is placed on *Ajit Pal Singh Vs. State of Punjab, 2005 (4) SCT 620* and *Devender Sheokand Vs. The Haryana Vidhan Sabha, 2013 (1) SCT 840*. Further still, the impugned orders do not allege that the petitioners were not academically meritorious. In fact, there were four times the number of applicants for each post, indicating a competitive process.

13. It was argued that the impugned orders dated 01.08.2025 (Annexures P-19 to P-21) wrongly state that 8th standard i.e., middle pass, candidates have been ignored by appointing matriculate candidates instead. It is settled law that the candidates with higher qualification cannot be excluded from selection. Reliance in this regard is placed on the judgment of this Court in *Manjit Singh Vs. State of Punjab, 2010 (3) SCT 703* and the judgment of

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the Hon'ble Supreme Court in ***Mohd. Riazul Usman Gani Vs. The District Judge Nagpur, 2000 (2) SCT 10***. Lastly, learned counsel submitted that there are no statutory rules indicating that notice for recruitment against Class-IV posts must be published in three renowned newspapers. Thus, the same cannot be used to the disadvantage of the petitioners.

14. *Per contra*, learned senior counsel for the respondents submitted that the Secretary, Punjab Mandi Board was fully competent to pass the impugned orders, as the delegation of the said power to him has been carried out legally and in conformity with Section 3(17) of the 1961 Act. The petitioners have fundamentally mis-characterized the nature of the delegation memo dated 05.07.2002 (Annexure P-22), as it is not a case where the State Government has directly delegated the Board's powers to the Secretary. The Board, in a legitimate exercise of its power under Section 3(17)(ii) of the 1961 Act, took a decision to delegate certain powers, including those under Section 33(4) of the 1961 Act, to its Secretary for efficient administration. This was a conscious policy decision and the aforesaid proposal dated 29.05.2002 (Annexure R-3/2 in CWP-22984-2018) was sent to the State Government for approval. Consequently, vide letter dated 05.07.2002, the State Government granted formal approval to the Board's aforementioned proposal. Thus, it is an approval granted under Section 3(17)(ii) of the 1961 Act and not a delegation by the State Government under Section 3(17)(i) of the 1961 Act.

15. It was further submitted that Section 33(4) of the 1961 Act explicitly grants the respondent-Board and its duly authorized Secretary, the

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power to annul any proceeding of the Market Committee, including an appointment-approving resolution, which is not in conformity with law. As such, the impugned orders fall squarely within the domain of the statutory power and mandate of the respondent-Board.

16. However, learned senior counsel for the respondents could not controvert the fact that the proceedings dated 30.03.2011 (Annexure P-23) are merely “Minutes of a Meeting” and no consequent statutory amendment has been carried out in the relevant service rules.

OBSERVATION & ANALYSIS

17. Having heard learned counsel for the parties and after perusing the record of the case(s) with their able assistance, the following questions arise for adjudication:

- A. Whether the Secretary, Punjab Mandi Board was competent to pass the impugned orders dated 01.08.2025 (Annexures P-19 to P-21) under Section 33(4) of the Punjab Agricultural Produce Markets Act, 1961, in view of the delegation of powers by the State Government vide Memo dated 05.07.2002 (Annexure P-22)?*
- B. Whether the respondents were legally justified in relying upon the Minutes of the Meeting dated 30.03.2011 (Annexure P-23) to annul the petitioners’ appointments, particularly when no formal statutory amendment was made to the Punjab Market Committees (Class III) Service Rules, 1989 or Punjab Market Committees (Class IV) Service Rules, 1989?*

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C. Whether the appointments of the petitioners are 'illegal' or merely 'irregular'?

A. Validity of Delegation of Power to Secretary, Punjab Mandi Board

18. Prior to examining the question of validity of the delegation of powers, this Court deems it appropriate to delineate the scope, ambit and extent of the powers conferred upon the Punjab Mandi Board. The Punjab State Agricultural Marketing Board (Punjab Mandi Board) was established on 26.05.1961 under the Punjab Agricultural Produce Markets Act, 1961 with an objective to control and supervise the marketing network of sale, purchase, storage and processing of processed or non-processed agricultural produce so notified from agricultural, horticulture, animal husbandry and forest produce. The Punjab Mandi Board is a corporate body as well as a local authority having perpetual succession and a common seal, with the power to acquire, hold and sell property. Section 3 of the 1961 Act deals with the constitution, powers and duties of the State Agricultural Marketing Board and is reproduced as under:

“3. State Agricultural Marketing Board, constitution, powers and duties

*(1) The State Government may, for exercising powers conferred on and performing the functions and duties assigned to the Board by or under this Act, establish and constitute a State Agricultural Marketing Board, **consisting of a Chairman to be nominated by the State Government and [Sixteen other members of whom***

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eight] shall be officials and eight non-officials, to be nominated by the State Government in the following manner:-

(a) official members shall include [a Joint Secretary to the State Government in the Department of Finance, The Director of Horticulture, Punjab], [the Secretary of the Board and five other officials, one representing the Agriculture Department, the second representing the Co-operation Department, the third representing the Animal Husbandry Department, the fourth representing the Colonization Department and the fifth representing the Food and Supplies Department];

(b) of the non-official members :-

(i) one shall be a producer member of a committee;

(ii) one shall be from among such persons licensed under section 10 as are members of a committee;

(iii) one shall be from among such persons licensed under section 13 as are members of a committee;

(iv) one shall be a member of a registered organization of farmers;

(v) three shall be progressive producers of the Punjab, one from each division; and

(vi) one representing the Co-operative Societies:

Provided that when the non-official members referred to in sub-clauses (i), (ii) and (iii) of clause (b) cannot be nominated owing to all the Market Committees being under supersession the Board shall consist of all the members, including the Chairman, referred to in this sub-section excepting the members referred to in the aforesaid sub-clauses and the same shall be deemed to be validly constituted Board till such members are nominated by the State Government after the Market committees are constituted.

(2) There shall be a Secretary of the Board who shall be appointed by the State Government from amongst those members of the Indian Administrative Service, the Punjab Civil Service (Executive Branch) or the Punjab Agricultural Service (Class 1) who have put in not less than five years service as such member].

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(3) The Board shall be a body corporate as well as a local authority by the name of the State Agricultural Marketing Board having perpetual succession and a common seal, with power, subject to the provisions of this Act, to [acquire, hold and sell] property and shall be the said name sue and be sued.

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(8) The State Government shall exercise superintendence and control over the Board and its officers and may call for such information as it may deem necessary and, in the event of its being satisfied that the Board is not functioning properly or is abusing its powers or is guilty of corruption or mismanagement, it may suspend the Board and, till such time as a new Board is constituted, make such arrangements for the exercise of the functions of the Board [and of its Chairman] as it may think fit:

Provided that the Board shall be constituted within [five years & six months] from the date of its suspension.

(9) The Board shall exercise superintendence and control over the committees.

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(15) [Six] members shall constitute a quorum at a meeting of the Board:

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting called for transacting the same business

(16) All questions before a meeting of the Board shall be determined by a majority of votes of the members present and voting and, in case of equality of votes, the Chairman may exercise a casting vote.”

(emphasis added)

19. Section 33 of the 1961 Act deals with the Power of the Mandi

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Board to call information, inspect, enforce attendance and to suspend actions, etc., of committees. The relevant portion of Section 33 reads as under:

“33. Power to call information, inspect, enforce attendance and to suspend actions, etc. of committees

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(4)(i) The Board may, by order in writing, annul any proceedings of a Committee or sub-committee or joint committee or ad hoc committee which it considers not to be in conformity with law or with the rules or bye-law made there under and may do all things necessary to secure such conformity, or may suspend any resolution which it considers likely to cause injury or annoyance to the public or is likely to affect adversely the interest of the committee or of producers or dealers or any class of functionaries working in the notified market area concerned.

(ii) The Board may, by order in writing, suspend the execution of any resolution or order of a committee or sub-committee, or joint committee or ad hoc committee, or prohibit the doing of any act which is being done or is about to be done in pursuance of or under cover of this Act or any rule or bye-law made thereunder, if in its opinion, the resolution, order or act is in excess of the powers conferred by law, or is likely to cause injury or annoyance to the public or is likely to affect adversely the interest of the Committee or of producers or of dealers or of any class of functionaries working in the notified market area concerned.

(iii) When the Board makes an order under this sub-section, he shall forthwith forward a copy thereof, with a statement of reasons for making it and the explanation, if any, of the committee concerned, to the State Government who may thereupon rescind the order or direct that it shall continue in force with or without modification, permanently or for such period as it thinks fit.”

(emphasis added)

20. A plain reading of Section 33(4) reveals that the legislature has

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conferred wide supervisory and corrective powers on the Punjab Mandi Board over the affairs of Market Committees. The Board is expressly authorized to “annul any proceedings of a Committee”, which it considers “not in conformity with law”. The term “any proceedings” is comprehensive and undeniably encompasses formal resolutions of Market Committees, including those approving staff appointments. However, the breadth of this power is not limitless. It cannot be invoked arbitrarily, *de hors* the principles of natural justice or in disregard of other constitutional safeguards.

21. Section 3(17) of the 1961 Act deals with the delegation of powers of the State Government and the Board, which is reproduced herein below:

“3. State Agricultural Marketing Board, constitution, powers and duties

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(17) (i) The State Government may delegate to the Board or its [Chairman or Secretary] any of the powers conferred on it by or under this Act; and

(ii) The Board may [with the prior approval of the State Government], delegate any of its powers to its Chairman, Secretary or any of its officers.”

(emphasis added)

22. As per Section 3(17)(ii) of the 1961 Act, the Board is empowered to delegate any of its powers to its Chairman, Secretary, or any of its officers. Such delegation, however, is subject to the condition that prior approval of the State Government is obtained. Vide letter dated 29.05.2002 (Annexure R-3/2 in CWP-22984-2018), the Punjab Mandi Board purportedly sought the prior

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approval of the State Government under Section 3(17)(ii) of the 1961 Act for delegation of its powers under clauses (i), (ii) and (iii) of Section 33(4) in favour of the Secretary of the Board. The said communication dated 29.05.2002 is reproduced herein below:

“Subject:- Delegation of powers to Secretary, Punjab Mandi Board under Punjab Agricultural Produce Markets Act, 1961.

As per Section 3(17)(ii) of Punjab Agricultural Produce markets Act, 1961 the Board may with the prior approval of the State Government delegate any of its power to its Chairman, Secretary or any of its officers. As per section 3(9) Board exercises superintendence and control over the committees. This power was delegated to Secretary Board vide government memo dated 8.12.1987 but subsequently superseded vide Government memo dated 18.7.1993 and presently these powers vest with the Chairman Board. As per section 33(4)(i), (ii) of the Act ibid the Board can annul or suspend any proceeding of Market Committee which is not in conformity with law and as per clause (iii) the orders so made are to be forwarded to the Government who may rescind or approve the same. The powers of the Board were initially delegated to Secretary Board by the Government vide memo dated 8.12.1987 but subsequently delegated to Chairman Board vide memo dated 28.2.1994 and presently these powers vest with Chairman Board.

The State Government has amended the Punjab Agricultural Produce Markets (General) Rules, 1962 vide notification dated 25.3.2002. As per rule 4 the Secretary Board is responsible for the efficient administration of the organization and to carry out the provisions of the Act & Rules and exercise general control over employees of the Board and of the Committees. He is also competent authority for approving the budget of the committees

From the above it is clear that Secretary Board is responsible for efficient administration of the organization and

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also or general control over the employees of Board & Committees as such it is felt that he should be delegated powers under section 3(9) of the Act *ibid* as well, because this provision also provides for superintendence and control over the committees. This will be in consonance with the provisions of rule 4. Similarly, powers under Section 33(4)(i), (ii) & (iii) may also be delegated to Secretary Board for speedy disposal of work.

In view of above it is proposed that approval of Government may be granted under Section 3(17) (ii) of the Act *ibid* for delegating powers to Secretary Board under section 3(9) & 33(4) (i)(ii) & (iii).

Sd/- Secretary”

(emphasis added)

23. Thereafter, vide memo dated 05.07.2002 (Annexure P-22), the State Government granted the approval for the delegation of powers to the Secretary, Punjab Mandi Board. The memo dated 05.07.2002 reads as follows:

“To
The Secretary
Punjab Mandi Board,
Chandigarh.

Memo No.11/3/2002-M-1/4021

Subject: Delegation of financial and administrative powers of Secretary, Punjab Mandi Board under Section 3 (17)(ii) of the Punjab State Agricultural Marketing Produce Act, 1961.

The proposal received vide your Lic. Ps/Secretary/40 dated 29.5.2002 has been considered by Government at length and is exercise of the powers conferred under section 3(17)(ii) of Punjab State Agricultural Marketing Produce Act, 1961, the Governor of Punjab is pleased to accord approval for the delegation of powers enumerated in section 33(4)(i)(ii) and (iii) of the Act to the Act to

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*the Secretary, Punjab State Agricultural Marketing Board.
Earlier these powers stood vested with the Chairman, Punjab
State Agricultural Marketing Board.*

*Sd/- Under Secretary to Govt. Pb.
Department of Agriculture”*

24. As contended by learned senior counsel for the respondents that the proposal dated 29.05.2002 was forwarded on behalf of the respondent-Board seeking delegation of its powers to the Secretary. However, it is noteworthy that the said proposal only bears the signature of the Secretary and not the signatures of other members of the Board, thereby casting serious doubt on the assertion that the proposal was, in fact, authorized or approved by the Board.

25. It is further noted that vide order dated 15.01.2026, this Court had granted liberty to learned senior counsel for the respondent-Board to produce any resolution whereby the said delegation was duly approved or authorized by the respondent-Board. However, no such resolution has been placed on record. Thus, in the absence of any such resolution, it appears that the Secretary of the Board, acting on his own motion, addressed the letter dated 29.05.2002 to the State Government seeking delegation of the Board's powers to himself. Such a course of action runs contrary to the statutory scheme of Section 3(17) of the 1961 Act, which expressly mandates that any proposal for delegation of the Board's powers must emanate from a decision of the Board itself and not from an individual office-bearer acting unilaterally.

26. Accordingly, this Court is of the considered view that when the

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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.

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B. Validity of reliance on the Minutes of the Meeting dated 30.03.2011.

28. It is settled law that executive or administrative instructions do not have the authority to amend or override statutory rules, nor any such instructions can be issued in derogation of the statutory framework. This is for the reason that administrative directions, being non-statutory in character, do not carry the force of law. On the contrary, statutory rules, framed under the authority of an enabling statute, have the binding force of law, provided they are consistent with and not repugnant to the parent Act. Thus, while statutory rules occupy the field with full legal sanctity, mere executive instructions cannot operate to curtail, modify, or expand their scope. Reliance in this regard can be placed on the judgments of the Hon'ble Supreme Court in *Yash Charitable Trust Vs. Union of India*, 2026 INSC 96; *Paluru Ramkrishnaiah Vs. Union of India*, AIR 1990 SC 166; *State of U.P. Vs. Babu Ram Upadhyaya*, AIR 1961 SC 751; *Swapan Kumar Pal Vs. Samitabhar Chakraborty*, 2001(2) SCT 1104 (SC) and *Ram Ganesh Tripathi Vs. State of U.P.*, 1997(1) SCT 494 (SC).

29. Indubitably, the minutes of the meeting held under the chairmanship of the then Chief Minister of the State of Punjab dated 30.03.2011 (Annexure P-23) holds no value in the eyes of law, in the absence of any formal instructions issued in this regard. As such, any decision taken in the meeting cannot even acquire the status of executive instructions. Even

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assuming, for the sake of argument, that the said minutes could be treated as executive instructions, it is well settled that such instructions do not have the force of law and cannot amend, override or supplement the applicable statutory service rules, nor they can operate in derogation of the governing statutory framework.

30. Section 20 of the 1961 Act deals with the appointment and salaries of officers and servants of the Market Committees and the same reads as under: -

“20. Appointment and salaries of officers and servants of committees

(1) Every Committee shall have a person as its Secretary, appointed by the Board as its servant and lent to the committee subject to such terms and conditions and as the Board may prescribe.

(2) A Committee may, with the previous approval of the [Secretary of the Board], employ such other officers and servants as may be necessary for the management of the market and may pay such officers and servants salaries as fixed by the Board for different cadets and shall have power to control and punish them:

Provided that where the basic pay of an employee is less than [five hundred rupees] the previous approval of the Secretary of the Board for the appointment will not be necessary:

Provided further that if after examining the records obtained from the Committee or otherwise the [Board] is satisfied that any officer or servant of the committee is a negligent in the discharge of his duties the Committee shall on the requirement of the [board] suspend or otherwise punish him and if the [board] is satisfied that he is unfit for employment the Committee shall dismiss him or terminate his services.

(3)(i) A Committee shall in the case of any other officer or servant of the Board whom it employs, pay such pension and other contribution, gratuity and allowances as may be required by the

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conditions of his service under the Board.

(ii) A Committee may also, in the case of any of its officers and servants provide for the payment to them of such leave or other allowances, pensions or gratuities as it deems proper, and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(iii) A Committee shall, in case of any Government servant whom it employs, pay to the State Government such contributions towards the pension and leave allowances of such servant as may be payable under any regulation in force for the time being.

(4) The services of the Secretary or any employee dealing with the accounts of a committee shall be transferable within the same [State].

(5) The Secretaries in the service of Market Committees constituted under the Punjab Agricultural Produce Markets Act, 1939 and the Patiala Agricultural Produce Markets Act, 2004 B.K., shall be deemed to be the servants of the Board and their emoluments and other conditions of service shall be such as may be determined by the Board.

(6) The powers conferred by this section on a Committee shall be exercised subject to such rules as may be made in this behalf by the State Government.

(emphasis added)

31. The service conditions governing Class-III and Class-IV employees of the Market Committees are regulated by the Punjab Market Committees (Class-III) Service Rules, 1989 and the Punjab Market Committees (Class-IV) Service Rules, 1989, respectively. The relevant provisions relating to appointment under the Punjab Market Committees (Class-III) Service Rules, 1989 are reproduced herein below: -

“2. Definitions.- In these rules unless the context otherwise requires, -

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(i) ‘**recruiting authority**’ means a recruiting authority of a Committee consisting of the Chairman of the Committee as its President, District Mandi Officer or his nominee not below the rank of an Assistant District Mandi Officer as expert representative and two other representatives, one each out of the Scheduled Castes and Ex-Servicemen, to be nominated by the Committee from amongst its members:

xxx xxx xxx

6. Appointing Authority.- All appointments to the Service shall be made by the Committee.

xxx xxx xxx

8. Method of recruitment and qualifications.- (1) Subject to the provisions of sub-rule (4), appointments to the service shall be made in the manner specified in Appendix 'B'.

Provided that no person shall be appointed on daily wages or on ad hoc basis.

(2) No person shall be appointed to a post in the service unless he possesses the qualifications and experience as specified against that post in Appendix 'B'.

Provided that if no suitable candidate is available for appointment by promotion to a post in the Service such a post, shall be filled in by transfer.

(3) *All appointments by promotion to the service shall be made by selection on the basis of seniority-cum-merit and no person shall be entitled to claim promotion on the basis of seniority alone.*

(4) *The following percentage of posts in the Service shall be reserved for each method of appointment indicated for categories mentioned thereunder, namely :-*

(a) By direct appointment -	
(i) for members of the Scheduled Castes	25 per cent
(ii) for members of the Backward Classes,	5 per cent
(b) By promotion. -	

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<i>(i) for members of the Scheduled Castes</i>	<i>20 per cent</i>
<i>(ii) for members of the Backward Classes,</i>	<i>2 per cent</i>

Provided that reservation in the case of sportsmen, handicapped persons, freedom fighters or for any other category of persons shall also be upto such percentage as may, from time to time, be specified by the Government of Punjab for the corresponding service under it.

(5) No person shall be recruited to any post in the Service by direct appointment unless he possesses knowledge of Punjabi language of Matriculation standard or to its equivalent:

Provided that where the qualifications for filling a post by direct appointment are less than Matriculation standard the knowledge of Punjabi language shall be lowered accordingly.”

(emphasis added)

32. Likewise, the relevant provisions relating to appointment under the Punjab Market Committees (Class-IV) Service Rules, 1989 read as under:

*“2. **Definitions.-** In these rules unless the context otherwise requires, -*

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*(i) ‘**recruiting authority**’ means a recruiting authority of a Committee consisting of the Chairman of the Committee as its President, the District Mandi Officer or his nominee not below the rank of an Assistant District Mandi Officer as expert representative and two other representatives, one each out of the Scheduled Castes and Ex-Servicemen, to be nominated by the Committee from amongst its members :*

xxx xxx xxx

*6. **Appointing Authority.-** All appointments to the Service shall be made by the Committee.*

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8. Method of recruitment and qualifications

(1) Subject to the provisions of sub-rule (4), appointments to the Service shall be made in the manner specified in Appendix 'B';

Provided that no person shall be appointed on daily wages or on ad hoc basis.

(2) No person shall be appointed to a post in the Service unless he possesses the qualifications and experience as specified against that post in Appendix 'B'.

(3) The following percentage of posts in the Service shall be reserved for each method of appointment indicated for categories mentioned thereunder namely:-

(i) for members of the Scheduled Castes, 25 per cent

(ii) for members of the Backward Classes, 5 per cent"

(emphasis added)

33. A perusal of the aforementioned Service Rules makes it clear that for recruitment to Class III and Class IV posts in the Market Committee, the appointing authority is the Committee itself. These Service Rules have the force of law and nothing has been brought on record to show that an amendment has been carried out therein in terms of the minutes of the meeting dated 30.03.2011. Therefore, this Court is of the considered view that 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 minutes of meeting dated 30.03.2011, particularly when

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the selection process was otherwise conducted in conformity with the applicable statutory service rules.

C. Difference between ‘illegal’ and ‘irregular’ appointments

34. At this juncture, it is apposite to highlight the distinction between irregular and illegal appointments. Recently, a two-Judge Bench of the Hon’ble Supreme Court in *Pawan Kumar Tiwary Vs. Jharkhand State Electricity Board, 2025 INSC 1000*, speaking through Justice Aravind Kumar, observed as follows in this regard:

“22. The Division Bench also placed reliance on the procedural deviation from the regular advertisement process, by observing that the internal notice issued by the Chief Engineer did not amount to a proper recruitment notification. While procedural irregularities, if proven to be mala fide or substantially affecting fairness, may vitiate a selection process, in the present case, the selection was conducted through tests and interviews overseen by a selection committee. The entire process culminated in formal appointment letters being issued. As held by this Court in Secretary, State of Karnataka and Others v. Umadevi (3) and Others (2006) 4 SCC 1, mere technical irregularities in appointment processes and in the absence of evidence of illegality, arbitrariness or fraud cannot be a ground to undo appointments, especially when the appointees are not at fault.

23. The Division Bench appears to have blurred the distinction between irregular and illegal appointments. In Vikas Pratap Singh (supra), this Court held that an appointment made without following every procedural formality may be irregular, but it does not become illegal unless it violates statutory provisions or is made without the existence of a post. This Court observed that if the appointment is to a sanctioned post, made by

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a competent authority, and not tainted by fraud or deceit, it cannot be labelled illegal merely due to some procedural lapse. The facts of the present case are squarely covered by this reasoning. The posts were sanctioned, the appellants were duly qualified, and the appointments were made by the competent authority after following due process of selection and at worst, any infirmity could only render the appointments irregular, not illegal. In R.S. Garg v. State of U.P. and Others (2006) 6 SCC 430, this Court held that appointments made within sanctioned strength, even if temporary or irregular, do not automatically become illegal unless shown to be in violation of statutory rules. There is no evidence or even a finding that the posts were not available or were created in violation of recruitment rules.

24. It is by now well settled in service jurisprudence that the validity of an individual appointment must be assessed on the basis of the appointee's own merit, eligibility, and conformity to the applicable rules. Courts must resist the tendency to issue blanket invalidations of entire batches of appointments merely on the basis of procedural infirmities that affect only a portion of the appointments. The principles of fairness, proportionality, and individual justice are foundational to administrative law and demand that a case-by-case analysis be undertaken before issuing sweeping orders of cancellation.

25. This Court has in several decisions, including State of Bihar v. Upendra Narayan Singh and Others (2009) 5 SCC 65, emphasized that when appointments are found to be irregular, the inquiry must focus on whether such irregularity amounts to illegality, and whether the appointee had any role or knowledge of the deviation. If not, and the appointee was otherwise eligible, qualified, and appointed against a sanctioned vacancy, there is no justification for nullifying such appointment. The present appellants, as evidenced by record, fulfilled all eligibility conditions, were appointed within the sanctioned strength, and underwent the requisite selection process.

26. It is here that the doctrine of severability assumes great significance. The rule is grounded in equity and legal logic:

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where bad can be separated from good, the good must not perish with the bad. The doctrine, though largely applied in constitutional and statutory interpretation, has gained considerable traction in service jurisprudence where a set of appointments are sought to be invalidated en masse.

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29. The case in hand presents a textbook scenario where the appellants' appointments were lumped together with others without individualized examination. The Enquiry Report itself conceded that appointments of Routine Clerks were within the cadre strength, and there is no dispute that the appellants fulfilled the prescribed qualifications and eligibility norms. There is also no suggestion of mala fides, misrepresentation or procedural breach on their part. At this juncture, it is pertinent to mention, that learned Senior Counsel appearing for the respondents during the course of hearing fairly submitted that the appointments of the present appellants fell within the sanctioned strength.

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31. **The jurisprudence around irregular versus illegal appointments must not be blurred. An irregular appointment is one where procedure is not strictly followed but the appointee is otherwise qualified and the post is sanctioned. An illegal appointment, on the other hand, is void ab initio, such as where the appointee is ineligible or the post does not exist. When appointments are questioned on grounds of irregularity, the inquiry must not end with detecting the infirmity but must proceed further to distinguish those whose appointments are unimpeachable. Justice demands separation, not erasure.**

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34. As discussed hereinabove, facts upon being evaluated in their entirety, reveal that the appellants were appointed against sanctioned vacancies, pursuant to an internal selection process, and were fully eligible for the posts in question. There is neither any suggestion nor proof of fraud, collusion, or misrepresentation on their part. **At best, the process suffers from procedural lapses not attributable to the appointees. Such infirmities, however, render the appointments irregular, not illegal.**

35. **It must be underscored that the jurisprudential divide**

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between irregular and illegal appointments is neither artificial nor academic. An appointment may be irregular if it deviates from established procedure, but it crosses into the realm of illegality only where it violates statutory mandates, is made without the existence of a sanctioned post, or is tainted by fraud. Conflating the two categories leads to manifest injustice, particularly when individuals, who have no role in the procedural defect, are visited with the severest consequence of termination.”

(emphasis added)

35. Furthermore, a three-Judge Bench of the Hon’ble Apex Court in *Siraj Ahmad Vs. State of Uttar Pradesh, 2020 (19) SCC 480* has held as follows: -

“11. This court in the case of *State of M.P. and ors. v. Lalit Kumar Verma, (2007)1 SCC 575*, after considering the Judgment of Constitution Bench of this Court in the case of *Secy., State of Karnataka v. Uma Devi(3), (2006) 4 SCC 1*, observed thus :

“12. The question which, thus, arises for consideration, would be: Is there any distinction between "irregular appointment" and "illegal appointment"? The distinction between the two terms is apparent. In the event the appointment is made in total disregard of the constitutional scheme as also the recruitment rules framed by the employer, which is "State" within the meaning of Article 12 of the Constitution of India, the recruitment would be an illegal one; whereas there may be cases where, although, substantial compliance with the constitutional scheme as also the rules have been made, the appointment may be irregular in the sense that some provisions of some rules might not have been strictly adhered to.”

12. It can thus be seen that this court has held that the distinction between irregular appointment and illegal appointment is clear. *It has been held that in the event appointment is made in total disregard to the constitutional scheme and the recruitment rules framed by the employer, where the employer is a "State" within*

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the meaning of Article 12 of the Constitution of India, the recruitment will be illegal one. It has however been held, that where although, substantial compliance with the constitutional scheme, as also the rules have been made, the appointment would become irregular in as much as the some provisions of some rules have been adhered to.

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14. This court held, that where the appointment are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed minimum qualifications, the appointment will be considered to be illegal. However, when the person employed possessed the prescribed qualifications and is working against the sanctioned posts, but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular.

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16. It can thus be seen that the only issue which is found against the appellant is that prior to appointment there was no concurrence of the U.P. Public Service Commission. It can thus be seen that the appointment of the appellant at the most can be termed as irregular and not illegal.”

(emphasis added)

36. Therefore, it is clear that there exists a clear distinction between irregular and illegal appointments. An illegal appointment is one that is *void ab initio*, being made in fundamental derogation of the constitutional scheme or statutory rules. Such appointments are nullities and can be invalidated at any stage. Conversely, an irregular appointment pertains to a situation where the appointment is made to a sanctioned post, by a competent authority, in favour of an eligible candidate and is in ***substantial compliance*** with the governing rules, but suffers from some minor procedural lapse. Crucially, an appointment cannot be set aside merely on the ground of such irregularities, especially when

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the appointee is not at fault, has rendered long service and the lapse does not go to the root of the appointment or vitiate its fairness.

37. In light of the principles laid down by the Hon'ble Supreme Court in ***Pawan Kumar Tiwary***'s case (*supra*) and ***Siraj Ahmad***'s case (*supra*), an appointment can be declared as **illegal** in the following situations:

- a. Where the appointment has been made against a non-sanctioned post or a post created in violation of rules;
- b. Where the candidate lacks the prescribed minimum essential qualifications for the post;
- c. Where the appointment has been made in ***total disregard*** of the statutory recruitment rules or constitutional mandates;
- d. Where there is sufficient material on record to indicate that the appointment is secured by fraud, misrepresentation, or *mala fide*;
- e. Where the appointing authority lacks inherent competence or jurisdiction to make the appointment.

38. However, if an appointment is made by the competent authority, against a duly sanctioned post, with respect to an appointee who possesses the prescribed qualifications, but suffers from minor lapses in spite of ***substantially complying*** with the constitutional scheme as well as the statutory service rules, such an appointment would be irregular in nature and not illegal. In that vein, the mere non-publication of the advertisement in three or more widely circulated newspapers, or not conducting a written test, particularly in the absence of any such requirement under the statutory service rules, cannot,

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by itself, constitute a valid ground to invalidate appointments made by the Market Committee. At best, such appointments may be characterized as irregular, but not illegal, so long as they are made against duly sanctioned posts and in favour of candidates possessing the requisite qualifications.

39. In light of the above, this Court is of the considered opinion that an individualized scrutiny of the appointment of such candidates may be undertaken in order to determine whether the appointment suffers from the vice of illegality or is merely irregular in nature. It also merits emphasis that the petitioners in the present cases have rendered long and continuous service for more than a decade under the protection of interim orders passed by this Court. In such circumstances, it would be unjust, arbitrary and inequitable to oust them from service merely on account of certain procedural irregularities in their appointments, which do not rise to the level of illegality. In ***Sivanandan C.T. Vs. High Court of Kerala, 2023 INSC 709***, a Constitution Bench of the Hon'ble Supreme Court declined to disturb the appointments of Judicial Officers made by the Kerala High Court on the ground that the appointees had already served for nearly six years and had acquired sufficient experience. The Court observed that unsettling their appointments at such a stage would deprive the State and its citizens of the benefit of experienced Judicial Officers. The relevant extract of the judgment is reproduced hereinbelow:

“55. The following are our conclusions in view of the above discussions:

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(vi) In terms of relief, we hold that it would be contrary to the

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public interest to direct the induction of the petitioners into the Higher Judicial Service after the lapse of more than six years. Candidates who have been selected nearly six years ago cannot be unseated. They were all qualified and have been serving the district judiciary of the state. Unseating them at this stage would be contrary to public interest. To induct the petitioners would be to bring in new candidates in preference to those who are holding judicial office for a length of time. To deprive the state and its citizens of the benefit of these experienced judicial officers at a senior position would not be in public interest.”

(emphasis added)

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

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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.

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E. The petitioners in **CWP-25369-2021** and **CWP-19838-2018** seek consideration of their candidature for appointment against certain posts in place of individuals, whose appointment had been annulled by the Secretary, Punjab Mandi Board, while exercising delegated powers. In view of the findings recorded hereinabove, and considering that the said petitioners do not possess any vested right to appointment against those posts, this Court holds that they shall be at liberty to participate in the selection process as and when a fresh advertisement is issued for filling up the vacant posts. Their candidature shall then be considered in accordance with law.

F. Furthermore, the petitioner in **CWP-25369-2021** had submitted a representation dated 08.06.2020 and legal notice dated 02.01.2021 (Annexures P-12 & P-13 therein) seeking release of salary for the periods Sauni 2017–2018 and Sauni 2019–2020, during which he claims to have rendered services as Sewadar on a temporary basis. The respondent-Board is accordingly directed to consider and decide the aforesaid representation and legal notice and to pass a reasoned order thereon after granting an opportunity of hearing to him, within a period of six weeks from the date of receipt of a certified copy of this order.

41. Accordingly, the present bunch of petitions is disposed of in the aforementioned terms.

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42. The pending miscellaneous application(s), if any, shall also be disposed of.
43. Photocopy of this order be placed on the files of connected cases.

09.02.2026
vishnu

[HARPREET SINGH BRAR]
JUDGE

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