



105

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

**CWP-38147-2025 (O&M)
Date of decision: 13.02.2026**

Khazan Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bhat Fayaz Ahmad, Advocate and
Mr. Pankaj Mohan Kansal, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Addl. AG, Haryana.

Mr. Sukhdeep Parmar, Advocate
for respondent No.3.

HARPREET SINGH BRAR, J.

1. Present petition has been preferred under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing of the order dated 19.09.2025 (Annexure P-1) passed by respondent No.3, vide which claim of the petitioner for regularization of his services w.e.f. 01.10.2003 instead of 02.01.2014 has been rejected and further to issue a writ in the nature of *mandamus* directing the respondents to regularize his services

2026:PHHC:022730



w.e.f. 01.10.2003 in terms of the policy dated 01.10.2003 (Annexure P-3) and the decision dated 21.12.2018 (Annexure P-13).

2. Learned counsel for the petitioner, *inter alia*, contends that vide office order dated 15.12.1992, the petitioner was appointed as Cattle Pond Moharrir on daily wages and was posted in Village Rathpur, Pinjore, where he worked upto 18.08.1999. On 01.10.2003, Government of Haryana framed a regularization policy (Annexure P-3), wherein it is provided that services of the employees, who have completed 03 years, would be regularized. Consequent to his transfer from Rathpur to Kharak Mangoli as Muharar w.e.f. 19.08.1999. Thereafter, vide letter dated 12.10.2001, the petitioner was transferred under the management of Municipal Committee, Panchkula, however, he was not allowed to join there on the ground that he did not possess the requisite qualifications and due to non-availability of sanctioned post of Muharar. Thereafter, the petitioner raised an Industrial Dispute bearing Ref. No.327 of 2002 against termination of his services, which was allowed vide award dated 21.09.2005 with a direction to reinstate him with continuity of service and full back wages with immediate effect. However, the said award was challenged by respondent No.3 before this Court by way of filing CWP-19946-2005 and during pendency of the same, the petitioner was joined on the post of Chowkidar w.e.f. 01.06.2006. The said petition was partly allowed vide judgment dated 03.07.2007 with a direction that back wages be allowed to the extent of 25% only.

2026:PHHC:022730



3. It is further contended that the petitioner submitted representations dated 10.12.2008 and 04.06.2012 (Annexure P-7) requesting the respondents to regularize his services, however, the same were not considered. Thereafter, the petitioner approached this Court by filing CWP-22872-2012, which was disposed of vide order dated 21.11.2012 with a direction to decide the aforesaid representations (Annexure P-7). Further, finding the petitioner eligible for regularization under the policy dated 01.10.2003 (Annexure P-3), his services were regularized vide order dated 02.01.2014 (Annexure P-11) with effect from the date of passing of the said order. However, the respondents forcibly obtained an affidavit from the petitioner to the effect that his services would be regularized only if he would give an undertaking not to claim the benefits of his past service. Thereafter, the petitioner represented the respondents to regularized his services w.e.f. 01.10.2003 instead of 02.01.2014, however, nothing was done. Feeling aggrieved, the petitioner filed a writ petition i.e. CWP-18669-2024 before this Court and the same was disposed of vide order dated 11.12.2024 (Annexure P-15) with a direction to consider and decide the representation (Annexure P-11) therein. In purported compliance, claim of the petitioner was rejected vide impugned order dated 19.09.2025 (Annexure P-1) solely on the basis of undertaking obtained from him.

4. In support of his contentions, learned counsel for the petitioner relies upon a judgment rendered by a Full Bench of this Court in ***Kesar Chand Vs. State of Punjab, 1988 (2) PLR 223*** and the judgment passed by this Court



in **CWP-28761-2025** titled as ***Ranjit Singh Vs. State of Punjab and others***, decided on 25.09.2025.

5. *Per contra*, learned counsel for respondent No.3 submits that there is a delay of about 10 years in raising the grievance regarding obtaining of undertaking on 02.01.2014. As such, at this belated stage, claim of the petitioner cannot be considered.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is serving respondent No.3-Corporation as Class IV employee, who was made to furnish an affidavit dated 02.01.2014 (Annexure P-2) before his regularization that he would not claim the benefits of his past service. The petitioner did not have a real choice and had to submit to the whimsical approach of respondent No.3-Corporation. As such, in view of Sections 16, 19A and 23 the Indian Contract Act, 1872, which declares any contract, which has been entered into under undue influence as voidable or where the object of the said contract is against public policy, as void, respondent No.3-Corporation cannot be allowed to take shelter of the affidavit (Annexure P-2) to justify denying the petitioner his legal right.

7. Perusal of the record indicates that the petitioner was unjustly terminated by respondent No.3-Corporation. Vide award dated 21.09.2005 (Annexure P-5), learned Labour Court, Ambala had directed the respondents to reinstate the petitioner with continuity of service and full back wages. Much to

2026:PHHC:022730



the chagrin of this Court, the act and conduct of respondent No.3-Corporation demonstrates no regard for the said award.

8. Further, a Full Bench of this Court in **Kesar Chand's** case (*supra*) has opined that the period spent by an employee as work-charged/daily wages/*ad hoc* employee prior to regularization would also be counted towards pensionary benefits. Speaking through Justice G.R. Majithia, the following was opined: -

*“19. In the light of the above, let us examine the validity of rule 3.17 (ii) of the Punjab Civil Services Rules Vol. II. This rule says that the period of service in a work-charged establishment shall not be taken into account in calculating the qualifying service. After the services of a work-charged employee have been regularised he becomes a public servant. The service is under the Government and is paid by it. This is what was precisely stated in the Industrial Award dated June 1, 1972, between the Workmen and the Chief Engineer, P.W.D. (B.& R.), Establishment Branch, Punjab, Patiala, which was published in the Government Gazette dated July 14, 1972. Even otherwise, the matter was settled by the Punjab Government Memo No. 14095-BRI (3)-72/5383 dated 6th February, 1973 (Annexure P7) where it was stated that all those workcharged employees who had put in ten years of service or more as on 15th August, 1972, their service would be deemed to have been regularised. **Once the service of a work charged employee have been regularised, there appears to be hardly any logic to deprive him of the Pensionary benefits as are available to other public servants under rule 3.17 of the Rules. Equal protection of laws must mean the protection of equal laws for all***

2026:PHHC:022730



persons similarly situated. Article 14 strike at arbitrariness because a provision which is arbitrary involves the negation of equality. Even the temporary or officiating service under the State Government had to be reckoned for determining the qualifying service. It looks to be illogical that the period of service spent by an employee in a work charged establishment before his regularisation has not been taken into consideration for determining his qualifying service. The classification which is sought to be made among Government servants who are eligible for pension and those who started as workcharged employees and their services regularised subsequently, and the others is not based on any intelligible criteria and, therefore, is not sustainable at law. After the services of a work - charged employee have been regularised, he is a public servant like any other servant. To deprive him of the pension is not only unjust and inequitable but is hit by the vice of arbitrariness, and for these reasons the provisions of sub rule (ii) of rule 3.17 of the Rules have to be struck down being violative of Article 14 of the Constitution.”

(emphasis added)

9. This Court has been constrained to observe a trend where long term employees are engaged on *ad hoc* basis, in spite of the perennial nature of the services rendered by them. The State, being a constitutional employer, cannot be allowed to exploit its temporary employees under the garb of lack of sanctioned posts or inability of the employees to meet educational qualifications for regular posts, when they have been consistently serving its instrumentality for a significant time period. Such an approach would be

2026:PHHC:022730



violative of fundamental rights of the temporary employees enshrined in Articles 14, 16 & 21 of the Constitution of India. Further still, temporary employees cannot be forced to bear the brunt of lack of financial resources when the State had no qualms about continuously taking advantage of the services rendered with regard to integral and recurring work of the concerned department. Reliance in this regard can be placed on the judgments rendered by the Hon'ble Supreme Court in **Jaggo Vs. Union of India and others, 2025 AIR SC 296, Vinod Kumar and others Vs. Union of India, (2024) 1 SCR 1230 and Shripal and another Vs. Nagar Nigam, Ghaziabad, 2025 SCC OnLine SC 221.**

10. Recently, a two-Judge Bench of the Hon'ble Supreme Court in **Dharam Singh and others Vs. State of U.P. and another, 2025 SCC OnLine SC 1735**, speaking through Justice Vikram Nath, has held as follows: -

“11. Furthermore, it must be clarified that the reliance placed by the High Court on Umadevi (Supra) to non-suit the appellants is misplaced. Unlike Umadevi (Supra), the challenge before us is not an invitation to bypass the constitutional scheme of public employment. It is a challenge to the State's arbitrary refusals to sanction posts despite the employer's own acknowledgment of need and decades of continuous reliance on the very workforce. On the other hand, Umadevi (Supra) draws a distinction between illegal appointments and irregular engagements and does not endorse the perpetuation of precarious employment where the work itself is permanent and the State has failed, for years, to put its house in order. Recent decisions of this Court in Jaggo v. Union of India and in Shripal v. Nagar Nigam, Ghaziabad have emphatically cautioned that Umadevi (Supra) cannot be deployed as a shield to justify exploitation through long-term “ad hocism”, the use of outsourcing as a proxy, or the denial of basic parity where identical duties are exacted over extended periods. The principles articulated therein apply with full force to the present

2026:PHHC:022730



case....

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13. As we have observed in both Jaggo (Supra) and Shripal (Supra), outsourcing cannot become a convenient shield to perpetuate precariousness and to sidestep fair engagement practices where the work is inherently perennial. The Commission's further contention that the appellants are not "full-time" employees but continue only by virtue of interim orders also does not advance their case. That interim protection was granted precisely because of the long history of engagement and the pendency of the challenge to the State's refusals. It neither creates rights that did not exist nor erases entitlements that may arise upon a proper adjudication of the legality of those refusals.

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17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and of ends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public of ices running."

(emphasis supplied)

11. It also appears that both the States of Punjab and Haryana tend to

2026:PHHC:022730



formulate policies in order to circumvent implementation of judgments rendered by the Constitutional Courts. More often than not, the claim for regularization is neither accepted nor denied and the applicant is kept in limbo unnecessarily. The extended ad-hocism of keeping daily wage workers or contractual employees on temporary rolls for decades while extracting regular work is not only unconstitutional but undermines equality and dignity. The State and its instrumentalities being model employer can't perpetuate such exploitation and use excuses like financial constraints, non availability of sanctioned post, and lack of qualification or decision by the Hon'ble Apex Court in *State of Karnataka Vs. Umadevi, (2006) 4 SCC 1*, as talisman to deny well deserved regularization on account of their perennial nature of long periods of work at par with their counterparts working on regular posts. Reference in this regard can also be made to the judgments rendered by the Hon'ble Supreme Court in *Nihal Singh Vs. State of Punjab, (2013) 14 SCC 65*, a Division Bench of this Court in *State of Punjab and others Vs. Sarwan Ram, 2025 NCPHHC 65364* as well as a Co-ordinate Bench of this Court in *Amrish Sharma and others Vs. State of Punjab and others* in *CWP-19238-2013*, decided on 26.02.2024.

12. As such, this Court finds that the impugned order dated 19.09.2025 (Annexure P-1) has been passed entirely on the basis of affidavit (Annexure P-2), which is an illegal document and was obtained from the petitioner forcibly to deny him rightful claim regarding seniority and other

2026:PHHC:022730



service benefits.

13. This Court, *prima facie*, satisfies with the arguments raised by learned counsel for the petitioner, however, at this stage, respondent No.3 is directed to treat the present petition as comprehensive representation and decide the same in the light of Full Bench judgment of this Court in ***Kesar Chand's*** case (*supra*) and judgments rendered by this Court in ***Harbans Lal Vs. The State of Punjab and others, CWP-2371-2010***, decided on 31.08.2010 as well as ***Ranjit Singh's*** case (*supra*), after affording an opportunity of hearing, within a period of three months from the date of receipt of certified copy of this order.

14. Disposed of accordingly.

15. Needless to say that if the petitioner is found to the relief claimed in the present petition, same be granted to him forthwith.

16. In case respondent No.3-Corporation deviates from the directions issued by this Court, the petitioner would be at liberty to file an appropriate application under Article 215 of the Constitution of India for initiating the contempt proceedings before this Court.

[HARPREET SINGH BRAR]
JUDGE

13.02.2026
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No