

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27165-2023 (O&M)

Decided on 17.10.2025

Bhagat Singh & Ors. ... Petitioners

VS.

State of Haryana & Ors. ... Respondents

CWP-9778-2016 (O&M)

Balwant Singh ... Petitioner

VS.

State of Haryana & Ors. ... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Ms. Sangita Dhanda, Advocate for the petitioners
Mr. Sushil Bhardwaj, Addl. AG Haryana
Mr. Ankur Goyat, Advocate for respondent No.3
Mr. Deepak Balyan, Advocate
for respondents No.4&5 (CWP-27165-2023)
Mr. Dinesh Arora, Advocate
for respondent No.4 (CWP-9778-2016)

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, *inter alia*, for issuing a writ of certiorari for quashing for order dated 15.08.2023 (Annexure P27) rejecting the claim of regularization of services of the petitioners in contravention of the judgment dated 22.11.2022 (Annexure P26) passed by this Court in CWP-10482-2016 (Saroj Kumari & Ors. vs. State of Haryana & Ors.) and to direct the respondents to regularize their services in terms of the letter dated 26.10.1987 (Annexure P1) and under the policy dated 09.12.1996 (Annexure P9) along with arrears from the due date with interest @ 9% p.a.

(2). The petitioners were initially appointed on ad hoc basis on various posts viz. Braceman, Tailor, OT Attendant, Peon and Ophthalmic Assistant, in the Medical College, Rohtak under the District Handicapped Welfare Centre

Scheme established by the District Handicapped Welfare Centre (DHWC) by one of the Committees constituted for implementation, management of the Scheme and appointment of the staff. The DHWC is run through grant funded by respondent No.2 – Director, Social Justice & Empowerment Department for the purpose of salary of its employees. The respondent No.1 vide memo dated 31.03.1993 decided to regularize the services of all the work charged/casual/daily rated employees who had completed 5 or more years in continuous service as on 31.03.1993 followed by another circular dated 18.03.1996 modifying the instructions dated 31.03.1993 in terms whereof, the employees to be considered for regularization should have 3 years' service instead of 5 years as on 31.01.1996.

(3). In the year 1997, the supervision of DHWC, Rohtak was transferred from PGI, Rohtak to District Red Cross Society, Rohtak by respondent No.2 as a result of which the salaries of petitioners were drastically reduced from regular pay scale to a consolidated salary and as such, they were compelled to file CWP No. 17197 of 1997 titled Saroj Kumari and others versus State of Haryana and others challenging payment of their salaries on consolidated basis instead of regular pay scale. The said writ petition was allowed vide order dated 05.05.1999 (Annexure P13) and the respondents were directed to pay all the allowances sanctioned by the Govt. from time to time. Despite their commitment to continue providing grant in aid by respondent No.2 vide 04.07.1997 (Annexure P10), respondent No.1 started releasing only 10% grant in aid only on matching basis resulting into delayed and lesser salary of the petitioners. The petitioner again filed CWP-16721-2011 and this Court vide order dated 08.11.2012 (Annexure P19) directed release of salaries of the

petitioner. The petitioners made various representations requesting the respondents to regularize their services and other service benefits. Even vide letter dated 23.06.2014 (Annexure P21), respondent No.2 requested for absorption of the DHWC in the Social Justice & Empowerment Department in compliance of the directions of this court dated 08.11.2012. Facing the difficulty at the hands of respondent No.2 in not releasing the salaries of the petitioner, the Red Cross Society moved an application and consequently, the order dated 08.11.2012 (Annexure P19) passed by this Court was modified vide order dated 25.08.2024 (Annexure P22) and it was directed respondents No.1 & 2 are primarily liable for payment of petitioners' salaries. The said order was also not complied with resulting to initiation of contempt proceedings by the petitioners.

(4). Thereafter a legal notice was served upon the respondent No.2 and vide order dated 05.05.2016, the claim for regularization of the petitioner was rejected. The petitioners again approached CWP-10482-2016 challenging the order dated 05.05.2016. In the meanwhile, the petitioners retired from service during the period from 31.04.2016 to 30.11.2022 without payment of any retiral benefits/pension etc.

(5). A Coordinate Bench of this Court quashed the impugned order dated 05.05.2016 vide order dated 22.11.2022 (Annexure P26) and held that the petitioners were employees of respondent No.2 at all times and remanded back the matter to consider their case in terms of applicable regularization policies. The petitioners was constrained to file contempt petition i.e. COCP No.1125 of 2023 and resultantly, vide order dated 15.08.2023 (Annexure P27) respondent No.2 rejected the claim of all the petitioners and the said contempt petition was

disposed of on 07.11.2023 with liberty to challenge the order dated 15.08.2023. Hence this writ petition has been filed.

(6). Learned counsel for the respondents No.1 & 2 averred that the petitioners were initially appointed in the Medical College Rohtak – respondent No.3 on adhoc/temporary basis, under the DHWC Scheme on the recommendation of the Employment Exchange and the salary was during from the grant in aid funded by respondent No.2 and it was clearly mentioned in their appointment letters that they are not entitled for pension and other retiral benefits. He further submits that the DHWC was transferred to respondent No.4 with all assets and liabilities including its employees in 1997.

(7). It is then urged that there existed no employer-employee relationship between the petitioners and the respondents No.1&2 particularly in view of the fact that the appointment letters were issued by respondent No.3 and not by respondent No.2. He submits that the petitioners have since superannuated and the DHWC has now been closed.

(8). Learned State counsel along with Mr. Ankur Goyat, Advocate and Mr. Deepak Balyan, Advocate appearing for the respondents No.3, 4 & 5 jointly argued that in compliance of the order dated 22.11.2022 (Annexure P26) passed by this Court in CWP-10482-2016, the claim of the petitioners regarding regularization of their services under the Haryana Govt. Policies dated 27.05.1993 and 11.05.1994 was considered and rejected on the ground that under the said policies, only work charged employee/ casual/daily wage employees were to be regularized against a sanctioned post whereas appointments of the petitioners were made on ad hoc/temporary basis under a particular Scheme and that the DHWC is not a Govt. organization and rather

runs on the grant in aid of the Govt. Reliance has been placed on *Union of India vs. Ilmo Devi, 2021 SCC OnLine SC 899*, regularization can only be as per the policy declared by the State Govt. and the said benefit cannot be claimed as a matter of right de hors the regularization policy and in the absence of sanctioned post.

(9). At this stage, learned counsel for the petitioners vehemently contended that once the petitioners had been working for the last more than three decades with the respondent No.3, it is nothing but sheer highhandedness of the respondents to say that the petitioners were not appointed on a sanctioned post or there are no posts on which their services could be regularized more particularly in view of the fact that the employer-employee relationship has been established by dint of judgment passed by this Court in *CWP-10482-2016 (Saroj Kumari & Ors. vs. State of Haryana & Ors.)* decided on 22.11.2022.

(10). Ms. Sangeeta Dhanda, learned counsel for the petitioners then exhorted that the respondents are in complete defiance of the well reasoned judgment dated 22.11.2022 passed by a Coordinate Bench in CWP-10482-2016 inasmuch as the respondent No.2 has neither gone through the records of the case nor the order dated 22.11.2022 and have acted in a careless manner. She placed reliance on letter dated 26.10.1987 (Annexure P1) which clearly shows that there were 27 sanctioned posts and the petitioners were appointed against 5 posts out of these sanctioned posts itself and thus it is conspicuous that the respondents are hell-bent to deny petitioners the relief to which they are legally entitled to.

(11). Heard learned counsel for the parties.

(12). It appears that the petitioners had earlier approached this Court in CWP-10482-2016 (Saroj Kumari & Ors. vs. State of Haryana & Ors.) with the identical prayer seeking regularization of their services. The said writ petition was allowed vide judgment dated 22.11.2022 with the following observations:-

“15. First and foremost, let us see if there is any substance in the stand taken by the respondent-State that the petitioners are employees of Medical College, Rohtak, since appointment letters have been issued by the Director of the College. On the first flush, it does seem that since the issuing authority for the appointment of the petitioners is Principal, Medical College, Rohtak, therefore, the College cannot wash its hands of its responsibility being the appointing authority. However, a deeper scrutiny of the entirety of the record reflects otherwise. As already noted 13 of 15 in the factual narrative, appointment letters were issued pursuant to the selection made by the Committee constituted vide notification Annexure P-1 of which Additional Director, Social Welfare, Haryana, was an equal constituent. The notification clearly states that the Committee has been constituted to make recruitments for implementation and management of the Scheme called District Handicapped Welfare Centre, to be set up at the Medical College, Rohtak. It was in this background that the petitioners were though employed for the Scheme, but since they were to be physically located and deputed in the Centres, which were to be set up in the Medical College that the Director, Medical College, Rohtak was delegated the administrative authority of issuing appointment letters being the constituent of the Selection Committee itself. Furthermore, the stand taken by the State flies in the face of order dated 04.07.1997 (Annexure P-9), which has been issued by the respondent No.2 asking the Principal of Medical College to shift the entire centre from Medical College to District Red Cross Society. If it were to be believed, as has been canvassed and

pleaded that the petitioners were not employees of the Medical College, then how it was within the administrative domain of Director of Social Justice and Empowerment Department-respondent No.2 to issue a command to the Director, Medical College, to transfer entire centre along with its employees. The Director of Medical College was naturally too willing to abide by the said office letter since he was conscious that the petitioners are not employees of the Medical College and they were merely deputed in the Centre which had been set up in the College. Accordingly, I find no fault with the stand taken by the Medical College in the pleadings as well as in the course of arguments that petitioners are not their employees.

16. As regards claim of the petitioners, I do find merit in the contentions of learned counsel for the petitioners that their case could not have been rejected on the ground that they are back door entrants. The appointment letter itself is self-explanatory and a bare perusal of the same reflects that their services were engaged through proper channel.

17. In the premise, the impugned order dated 05.05.2016 (Annexure P-24) is hereby set-aside. The case is remanded back to respondent No.2/Director, Social Justice and Empowerment Department, Chandigarh, to pass fresh orders in the light of findings given by this Court herein above that the petitioners at all time were employees of respondent No.2/Director. Needless to say that in case the petitioners are found eligible in terms of the applicable regularization policies, they shall be accorded benefit in terms thereof.

18. On a Court query, learned counsel for the petitioners has been very fair and has candidly made a statement at bar that in case the benefit of regularization is given, they are willing to forego their claim for ACP. As regards pay-scale, since the salaries have been paid as per the admissible pay-scales from time to time under

orders of this Court, there are unlikely to be any arrears to be paid.

19. The needful exercise be carried out within a period of three months from the date of receipt of certified copy of this order.”

(13). A perusal of the above judgment would show that the Coordinate Bench found that the petitioners were employees of the Department of Social Justice and Empowerment, Haryana, and not of the Medical College, Rohtak. Their appointments were made through a selection committee constituted under the Department's notification for the District Handicapped Welfare Centre scheme, and the Director of the Medical College issued appointment letters only as an administrative formality. It was further noted that the Department's own order directing the Principal to shift the Centre with its staff to the District Red Cross Society confirmed that administrative control rested with the Department. Rejecting the State's plea, it was held that the petitioners were validly appointed and not backdoor entrants. The impugned order dated 05.05.2016 was set aside, and the matter was remanded to the Director of the Department for reconsideration of regularization in light of the findings, to be completed within three months.

(14). Once there was a clear direction by this Court directing the respondent No.2 to consider the case of the petitioners for regularization in view of the detailed judgment, it was incumbent upon the respondents to analyze the reasons assigned by this Court and thereafter to pass orders in compliance. It was only upon the institution of the contempt petition (COCP No.1125 of 2023) that respondent No.2 proceeded to mechanically reject the petitioners' claim vide order dated 15.08.2023, citing reasons that were not only superficial but patently contrary to the factual record and earlier judicial

findings. The relevant observation made by the Director General, Social Justice and Empower Scheduled Castes and Backward Class Welfare and Anthodia (Services) Department, Haryana in the impugned order dated 15.08.2023 is as under:-

“As per the condition of the above regularization policy ad-hoc title, the employees will be regularized on the post against the posts or vacancies of the relevant categories. Whereas the posts to which the plaintiffs were appointed in the Centre on ad-hoc/temporary basis, these posts were created only for running the work of the Centre. The posts related to which the plaintiffs were appointed on ad-hoc/temporary basis are not sanctioned posts in the department. In any government department or board corporation, only those employees are regularized in government service who is working against the sanctioned posts or the sanctioned posts are vacant. District Handicapped Welfare Center is also not a government center and it is being run only on the basis of grant-in-aid from the government. Apart from this, this center is also not a part of the department and the District Disabled Welfare Center is being operated on the basis of grant-in-aid given by the department and this center is not a part of the department. Therefore, the plaintiffs are not required to be regularized by the Haryana Government as per the said regularization policy dated 11.05.1994.”

(15). The above-reproduced reasoning provided by the Department that the posts in question were not sanctioned but created solely for the Centre, and that the Centre was neither a government entity nor part of the Department, is expressly self-contradictory inasmuch as their own record clearly revealed that 27 sanctioned posts at DHWC, Rohtak were made available as early as 1987 as per letter dated 26.07.1987 (Annexure P1) followed by a Government

Notification dated 21.07.1988 constituting a committee for a fully State-financed and permanent scheme. It is thus reiterated that the petitioners' appointments were against sanctioned and duly recognized posts.

(16). It is noteworthy that the petitioners were appointed on adhoc/temporary basis only after coming into force of the notification dated 26.10.1987 and 08.07.1988 which constituted the Committee for selection/appointment of staff against sanctioned post and it was only thereafter that the petitioners were engaged initially though on ad hoc/temporary basis against sanctioned post.

(17). That apart, this Court in **Ram Rattan & Ors. vs. State of Haryana & Ors. (CWP-34585-2019)** decided on 19.10.2023 while relying upon various case laws of the Supreme Court, accepted the claim of the writ petitioners for regularization of their services observing that public employment is a facet of right to equality envisaged under Article 16 of the Constitution and that State is although a model employer, its right to create posts and recruit people, therefore, emanates from the statutes or statutory rules and that non-regularization into service of such part-time employees who have put in their whole life in the service of the respondent-Nigam, would tantamount to violation of fundamental rights of equality before law and equality of opportunity in matters relating to employment under the State, as enshrined under Article 14 & 16(1) of the Constitution. Following directions were issued by this Court:-

(32). *In addition to the above, even principle of natural justice, too demand that the petitioners cannot be denied the benefit of*

regularization of services when their similarly placed employees have been granted the said benefit.

(33). Accordingly, the respondents are directed to consider the case of the petitioners for regularization of service in view of the policy dated 01.10.2003 as amended on 10.02.2004 issued by the Government of Haryana and to pass necessary orders regularizing their services, within a period of one month from the date of receipt of certified copy of this order. The petitioners shall also be entitled to all the benefits of regularization and consequential relief to which they are eligible including the arrears of salary.

(34). This case is also being peculiar wherein Class-IV employees are forced to undergo multiple round of litigation for their claim to which they became eligible in the year 2003 and are fighting for their legal rights for two decades, this Court cannot close its eyes to the pain and sufferings and the harassment with which this strata of society has been dealt with, needs to be compensated, though cannot be done so by any means after such a long number of years, the respondent No.3 shall pay 6 % interest per annum on the arrears from the date it became due till the date of its realization to which the petitioners are found entitled on regularization into service.

(18). In **Dharam Singh & Ors. vs. State of UP & Anr.**, the question before the Supreme Court was whether the High Court erred in failing to adjudicate Appellants' principal challenge to the State's refusals to sanction posts and treating the matter as a mere plea for regularization and if so, given the Appellants' long and undisputed service, what appropriate relief ought to follow from the Supreme Court. The Supreme Court had an occasion to consider whether years of *ad hoc* engagement, defended by shifting excuses and pleas of financial strain can be used to deny the rights of those who have kept public institutions running. The Supreme Court further delved into its

recent decisions rendered in Jaggo v. Union of India 2024 SCC Online SC 3826 and in Shripal & Another v. Nagar Nigam, Ghaziabad, 2025 SCC Online SC 221 and laid emphasis that the decision rendered by it in Secretary, State of Karnataka & Others Vs. Umadevi & Others, 2006(3) SLR 1 cannot be deployed as a shield to justify exploitation through long-term “ad hocism”. The detailed but relevant principles articulated in Shripal’s (case), as reproduced in Dharam Singh’s, case read as under:-

15. It is manifest that the Appellant Workmen continuously rendered their services over several years, sometimes spanning more than a decade. Even if certain muster rolls were not produced in full, the Employer's failure to furnish such records- despite directions to do so- allows an adverse inference under well-established labour jurisprudence. Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfil ongoing municipal requirements year after year cannot be dismissed summarily as dispensable, particularly in the absence of a genuine contractor agreement. At this juncture, it would be appropriate to recall the broader critique of indefinite “temporary” employment practices as done by a recent judgment of this Court in Jaggo v. Union of India in the following paragraphs:

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour

standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade longterm obligations owed to employees. These practices manifest in several ways:

- Misuse of “Temporary” Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as “temporary” or “contractual,” even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.*
- Arbitrary Termination: Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.*
- Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity*

between them and their regular counterparts, despite their contributions being equally significant.

- *Using Outsourcing as a Shield: Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.*
- *Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure decades. This lack of spans social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.””*

(19). The Supreme Court took note of the fact that repeated technicalities, rolling “reconsiderations” and administrative drifts prolong delays and administrative indecision undermine justice for long-serving daily wage/ad hoc workers and to prevent further injustice, it mandated clear responsibilities, strict timelines, and verifiable compliance, insisting that the State must organize, budget for, and regularize these workers as constitutional obligations and not discretionary acts. The Supreme Court concluded as under:-

“20. We have framed these directions comprehensively because, case after case, orders of this Court in such matters have been met with fresh technicalities, rolling “reconsiderations,” and administrative drift which further prolongs the insecurity for those who have already laboured for years on daily wages. Therefore, we have learned that Justice in such cases cannot rest on simpliciter directions, but it demands imposition of clear duties, fixed timelines, and verifiable compliance. As a constitutional

employer, the State is held to a higher standard and therefore it must organise its perennial workers on a sanctioned footing, create a budget for lawful engagement, and implement judicial directions in letter and spirit. Delay to follow these obligations is not mere negligence but rather it is a conscious method of denial that erodes livelihoods and dignity for these workers. The operative scheme we have set here comprising of creation of supernumerary posts, full regularization, subsequent financial benefits, and a sworn affidavit of compliance, is therefore a pathway designed to convert rights into outcomes and to reaffirm that fairness in engagement and transparency in administration are not matters of grace, but obligations under Articles 14, 16 and 21 of the Constitution of India.”

(20). Accordingly this writ petition is allowed and the impugned order dated 15.08.2023 (Annexure P27) is quashed. The petitioners shall stand regularized in terms of the regularization policy dated 27.05.1993 and 11.05.1994 and on regularization, the petitioners shall be placed at not less than the minimum of the regular pay scale for the post, with protection of last drawn wages if higher with subsequent increments in the pay scale as per the pay grade and consequential seniority and promotion shall be based on the date of regularization. The petitioner shall be entitled for all necessary and consequential service/retiral benefits including pension/pensionary benefits and other terminal dues along with arrears with interest @ 9% p.a. from the due date till its realization, as early as possible not last than 4 months from the date of receipt of certified copy of this order.

(21). Equally important is to point out that this Court found the stance of respondent No.2 not only untenable but also evasive and in willful defiance of the Court's judgment and the Department's own official records. The refusal

by the then Director General – respondent No.2 to regularize the petitioners under the pretext of a non-existent or unsanctioned post, and denial of the governmental character of DHWC, is a gross abuse of administrative authority and a deliberate attempt to frustrate the judicial process. Ordinarily, this Court would have imposed exemplary cost on the errant officer, however, it is left for the Additional Chief Secretary of Directorate of Social Justice & Empowerment, Haryana to consider and take appropriate action against the then concerned officer for his act of willful defiance and persistently misleading both the Court and the petitioners through erroneous and unsustainable orders, despite settled judicial findings.

(22). Let a copy of this order be served upon the Additional Chief Secretary of Directorate of Social Justice & Empowerment, Haryana for further necessary action and compliance. This Court shall also be apprised of the action taken within a period of four (4) weeks.

(23). Ordered accordingly.

17.10.2025

V.Vishal

(Sandeep Moudgil)
Judge

1. *Whether speaking/reasoned?* :

Yes/No

2. *Whether reportable?* :

Yes/No