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**(2025) 12 P&H CK 0053**

**Punjab And Haryana HC**

**Case No:** Civil Writ Petition No. 2149 Of 2021 (O&M), 10831 Of 2022 (O&M), 35913 Of 2025

Jeevan Kumar And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

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**Date of Decision:** Dec. 3, 2025

**Acts Referred:**

- Constitution Of India, 1950-Article 226, 227

**Hon'ble Judges:** Jagmohan Bansal, J

**Bench:** Single Bench

**Advocate:** Pankaj Bhardwaj, Kirandeep Kaur, Kamaldip Singh Sidhu, Aman Dhir

**Final Decision:** Disposed Of

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### Judgement

Jagmohan Bansal, J

1. By this common order, CWP No. 2149 of 2021, CWP No. 10831 of 2022 and CWP No. 35913 of 2025 are hereby adjudicated as common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP No. 2149 of 2021.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of orders dated 15.09.2020 (Annexure P-6), 01.10.2020 (Annexure P-7) and 09.10.2020 (Annexure P-8) whereby their claim for regularisation was rejected.

3. Learned counsel for the petitioners submits that claim of petitioners is squarely covered by judgment of this Court in Amrish Sharma and others vs. State of Punjab and other, 2024 SCC Online P&H 1381 which stands upheld by Division Bench of this Court. Claim of petitioners is further covered by judgment of this Court in Vinod Kumar and others vs. State of Punjab and others, 2024 SCC Online P&H 1028.

4. Learned State counsel expressed his inability to controvert applicability of aforesaid judgments to the instant cases.

5. The operative portion of judgment in Vinod Kumar and others (Supra) reads as:-

*“9. This Court vide judgment dated 26.02.2024 has decided a Bench of petitions involving identical issue in Civil Writ Petition No.19238 of 2013 titled as ‘**Amrish Sharma and others Vs. State of Punjab and others**’. In para 47 of the judgment conclusion has been recorded which is reproduced as below:-*

*“47. In the wake of above discussion and findings, this Court comes to conclusion as below:*

*i) This Court in the normal course cannot ask State to create or sanction posts.*

*ii) The petitioners who had completed service of 10 years by the end of December’ 2006, either at present are in service or have already retired, are entitled to regular post and they cannot be denied regularization on the ground of lack of sanctioned post or minimum education qualification. To avoid burden on State exchequer, it is clarified that from the deemed date of their regularization, they shall be entitled to minimum of pay scale plus dearness allowance and grade pay till the date of this order and thereafter regular pay scale.*

*iii) The petitioners who are still in service but did not complete service of 10 years by the end of December’ 2006 would form part of dying cadre created by 2023 Policy. The State, in view of long service of these employees, would not insist for minimum qualification. They from the date of completing service of 10 years would be entitled to minimum of pay scale plus dearness allowance plus grade pay till the date they are regularized in terms of 2023 Policy.*

*iv) The petitioners who did not complete service of 10 years by the end of December’ 2006 and during the pendency of present litigation have superannuated or passed away would be entitled to minimum of pay scale plus dearness allowance and grade pay from the date of completing service of 10 years till the date of their retirement or death.*

*v) The petitioners who have already been regularized by 31.12.2016 shall not be entitled to any additional financial benefit because they are already getting higher amount of salary for last couple of years.*

*vi) The respondent-State shall not be liable to pay interest on arrears arising on account of re-fixation of pay.”*

*10. The petitioners are conceding that they may not be eligible under 2016 policy, however, they must be considered as per policy of 2023 because, they have already served for more than 25 years and it would be travesty of justice, if they are not considered as per 2023 policy. The respondent by 2023 policy has created a dying cadre. The petitioners are working as Class-IV employees and their work and conduct is satisfactory which is prima facie evident from the fact that they are uninterruptedly working since their appointment.*

*11. This Court finds that case of petitioners need to be considered in the light of 2023 policy and without insisting for minimum education qualification of 8th standard.*

*12. The petition is hereby disposed of with a direction to respondents to consider case of petitioners within 6 months from today in the light of above observations.”*

6. The instant petitions deserve to be disposed of in terms of aforesaid judgments. Accordingly, the petitions are hereby disposed of with a direction to respondent to consider case of petitioners within six months from today in the light of **Amrish Sharma (Supra) and Vinod Kumar (Supra)**

7. Pending Misc. application(s), if any, shall stand disposed of.