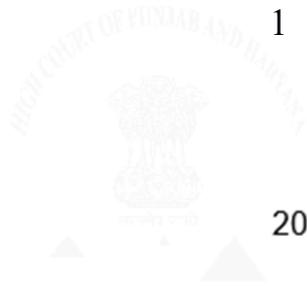


CWP-3652-2026



2026:PHHC:035731



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3652-2026

Mukesh Kumar and others

.....Petitioners

VERSUS

State of Punjab and others

.....Respondents

Reserved on: 17.02.2026

Pronounced on: 07.03.2026

Uploaded on:09.03.2026

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

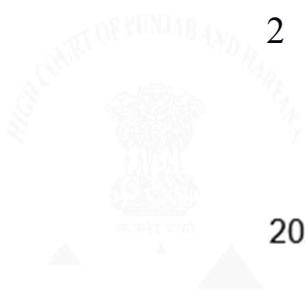
Present : Mr. Inder Preet Singh Sohal with Mr. Didar Singh, Mr. Fateh Sahota, Mr. Alamjeet Singh and Ms. Jyoti Jindal, Advocates for the petitioners.

Mr. Vikas Arora, DAG, Punjab-State.

Mr. Anupam Singla, Advocate for respondents No.3 and 4.

HARPREET SINGH BRAR, J. (Oral)

1. The 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 the impugned speaking orders dated 02.07.2019

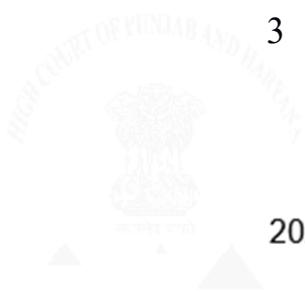


(Annexure P-1) and 13.09.2024 (Annexure P-2) passed by Respondent No.3. Further, a writ in the nature of *Mandamus* is sought directing the respondents to grant the petitioners the benefit of minimum of regular pay scale (Basic Pay + Grade Pay) along with Dearness Allowance at par with regular Drivers/Conductors of Punjab Roadways, and to release all consequential arrears from the respective dates of engagement of the petitioners and/or from 26.10.2016, whichever is earlier, along with interest @12% per annum till actual payment.

CONTENTIONS

2. Learned counsel for the petitioners *inter alia* contended that the petitioners are/were working as Drivers and Conductors, engaged with Punjab State Bus Stand Management Company Limited (hereinafter referred to as 'PUNBUS') (Respondent No.3), which is a fully owned Government Company functioning under the administrative control of the Transport Department, Government of Punjab (Respondent No.2).

3. It is contended that the petitioners were engaged from the year 2010 onwards. In the year 2015, after due process of selection including written test, driving/skill test (as applicable), scrutiny of eligibility qualifications, verification of licences and medical fitness, they transitioned from outsourced workers to being engaged on contract basis. The advertisement issued for such recruitment has been annexed as Annexure P-3. It was further contended that petitioners No.4, 6 and 8 were directly hired on contract basis in the year 2015 and they had never served on outsourced



basis unlike the other petitioners. Since their initial engagement, the petitioners have been continuously deployed on operational duties without any break and their engagement has been renewed/extended from time to time.

4. Learned counsel submitted that the petitioners possess the same educational qualifications, technical licences, experience requirements and skill standards as are prescribed for regular Drivers and Conductors working in Punjab Roadways. The nature of work, working hours, routes operated, operational risks (including road safety and accident liabilities), passenger handling, ticketing/route responsibilities, accountability, disciplinary control and supervisory structure are identical in all material respects. Further still, a disciplinary challan receipt (Annexure P-4) was placed on record to demonstrate that fines imposed on contractual employees of respondent-PUNBUS are received by the General Manager, Punjab Roadways, indicating common disciplinary control.

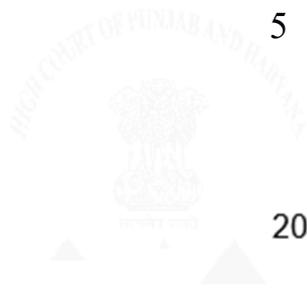
5. It was further submitted that the petitioners operate the same category of buses on public routes and are subject to the same depot/office control, operational instructions and performance standards as their regular counterparts in Punjab Roadways. A flow chart was annexed as Annexure P-5 to demonstrate the common administrative structure. Additionally, it was contended that the duty roster/daily deployment of the petitioners is fixed by a regular clerk of Punjab Roadways (Duty Roster annexed as Annexure P-18). Learned counsel argued that despite performing identical duties, the



petitioners are being paid a fixed contractual remuneration, which is substantially lower than the regular pay scale paid to regular Drivers and Conductors of Punjab Roadways.

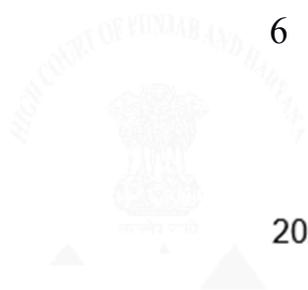
6. It is contended that there exists no rational or intelligible distinction in the nature of duties, responsibilities, or workload between a regular Driver/Conductor in Punjab Roadways and a contractual Driver/Conductor in PUNBUS, and thus, denial of pay parity to the petitioners merely on the basis of mode of engagement is arbitrary, discriminatory, and contrary to the settled principle of 'equal pay for equal work', contrary to the constitutional philosophy enshrined in Articles 14, 16 and 39(d) of the Constitution of India. Learned counsel placed heavy reliance on the judgement of the Hon'ble Supreme Court in *State of Punjab and Others v. Jagjit Singh and Others, (2017) 1 SCC 148*, which conclusively settled the law that temporary, contractual, ad-hoc or daily wage employees who perform the identical duties and assume the same responsibilities as regular employees are entitled, at the minimum, to wages at the lowest stage of the regular pay scale attached to the post, once functional parity is established.

7. Learned counsel further contended that the petitioners had earlier approached this Hon'ble Court by filing CWP No.1029 of 2019 seeking grant of basic pay along with Dearness Allowance on the principle of equal pay for equal work. This Court, vide order dated 10.04.2019 (Annexure P-6), directed the respondents to consider and decide the claim of



the petitioners by passing a reasoned speaking order after considering the applicable legal position. Pursuant thereto, the impugned speaking order dated 02.07.2019 (Annexure P-1) was passed merely stating that the final decision regarding grant of equal pay rests with the Department of Finance, Government of Punjab, and no substantive relief was granted to the petitioners. Aggrieved by the aforesaid speaking order, the petitioners approached this Hon'ble Court again by filing CWP No.21845 of 2020. Vide order dated 24.04.2023 (Annexure P-7), this Court once again directed the competent authority to consider the petitioners' claim and pass a fresh reasoned speaking order.

8. In compliance with the order dated 24.04.2023 (Annexure P-7), Respondent No.3 passed the second impugned speaking order dated 13.09.2024 (Annexure P-2), rejecting the petitioners' claim principally on the following grounds: (i) the petitioners are not working against sanctioned posts; (ii) PUNBUS and Punjab Roadways are different establishments having different management; and (iii) the terms of the contractual engagement bar the claim. Learned counsel argued that the impugned order (Annexure P-2) is arbitrary, legally unsustainable and contrary to binding precedent as it does not undertake the essential exercise mandated by the Hon'ble Supreme Court in *Jagjit Singh (supra)*, namely: (i) comparison of qualifications, duties and responsibilities to determine functional parity; and (ii) identification of any intelligible differentiating factor(s). Instead, the impugned order relies upon contractual clauses and isolated observations of



the Hon'ble Supreme Court in *Jagjit Singh's case (supra)* to deny the petitioners their constitutional entitlement.

9. Learned counsel extensively argued on the artificial distinction sought to be raised between Punjab Roadways and PUNBUS. It is contended that Punjab Roadways is the State government-run public transport undertaking functioning under the administrative control of the Director State Transport, Punjab, operating buses on various routes through its depots. On the other hand, PUNBUS is a fully owned Government company, which also operates public transport services and functions under the overall administrative control/supervision of the Director State Transport, Punjab. It is submitted that the letter head of all official communications reads as “*Office of Director State Transport Punjab Cum Managing Director Punjab State Bus Stand Management Company Limited.*” This demonstrates that there is no real functional separation and both entities operate under a unified administrative framework. Moreover, the nomenclature of ‘PUNBUS’ and ‘Punjab Roadways’ is used interchangeably.

10. Learned counsel further contended that buses which are financed/operated under the banner of PUNBUS, once made loan-free through continuous operations and revenue generation, are transferred to Punjab Roadways (Annexure P-15), and continue to be operated by the same staff (Annexure P-16), under the same depot control and supervisory mechanism. Moreover, when the buses are converted and the contractual



staff is redesignated to operate the same buses now under Punjab Roadways, the financial allocation is done by the Finance Department, Punjab (Annexure P-17). Thus, the petitioners, despite performing the same core functions and contributing to making the buses loan-free, thereby converting them into valuable State assets, are unfairly kept on a consolidated pay, which is lesser than even minimum of the regular pay scale and allowances provided to their regular counterparts, solely on the basis of an artificial label of “contractual/PUNBUS.”

11. It is argued that the observations of the Hon’ble Supreme Court in *Jagjit Singh (supra)* regarding ‘different establishments having different management’ has been misapplied by the respondents. The said observation addresses situations where a comparison is sought to be drawn between wholly unrelated and independent establishments. However, the said observation cannot be invoked to deny parity in the present case wherein the petitioners and their regular counterparts in Punjab Roadways discharge identical public transport-related functions within a State-controlled transport system, under comparable operational conditions and supervisory control, and where the only distinction pertains to label/structure rather than real functional separation.

12. *Per contra*, learned counsel for respondents contended that PUNBUS (Punjab State Bus Stand Management Company Limited) was incorporated on 07.03.1995 and is registered under the Companies Act, 1956. The said company-PUNBUS is managed by a Board of Directors,



which is also the final authority with regards to the affairs of the company. It is submitted that for the smooth functioning of PUNBUS, the company has framed Accounting Rules and Procedure. Rule 1.2 of the aforesaid Rules deals with administrative and financial powers and Rule 1.2.1 provides that the same will be vested with the Board of Directors, Managing Director and Depot Managers of the company. Further, as per Rule 1.2.2, the powers under Section 292 of the Companies Act, 1956 will also be vested with the Board of Directors. Additionally, learned counsel drew attention of this Court to Rule 1.2.3 of the Accounting Rules, which is reproduced as under:

“1.2.3 Managing director shall be the Chief Executive Officer of the company and shall run the affairs of the company by assigning duties to the officers/officials of the Department of Transport, in addition to their own duties. The company shall make use of the infrastructure of the Department of Transport and may incur expenditure to maintain and augment the same. The company shall avoid adding the overhead of recruiting and managing human resources directly and the Managing Director shall, wherever necessary, outsource the services or explore private public partnership for smooth and efficient operations of the company.”

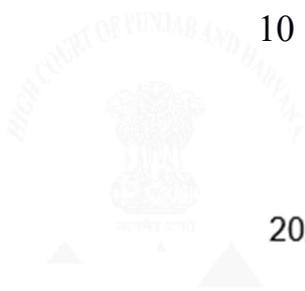
13. It was contended that there are no sanctioned posts in the company since the Accounting Rules and Procedure mandate that it should avoid recruiting human resources directly. The manpower has been acquired either on deputation from the Department of Transport or through outsourcing agencies. Learned counsel further referred to Rule 1.2.4, which provides that if it becomes essential to hire manpower directly, the Managing Director shall seek prior approval of the Board of Directors clearly setting out the number of posts, essential qualifications, pay scale,



other terms and conditions of their service and the process of recruitment thereto. Accordingly, with the approval of the Government of Punjab as well as the Board of Directors of PUNBUS, the petitioners were recruited as Drivers and Conductors directly on contract basis. As such, they are being paid a consolidated salary, in terms of the duly executed agreements between the respective petitioners and PUNBUS.

14. It is further submitted that since there are no sanctioned posts in PUNBUS, no service rules have been framed for its employees and therefore, the service of the petitioners are governed solely by the terms and conditions contained in their respective contractual agreements. Moreover, there are no regularly appointed counterparts of the petitioners in PUNBUS who are drawing regular pay scales. In such circumstances, the claim of the petitioners for parity of pay on the principle of equal pay for equal work within PUNBUS does not arise. With regard to the employees working under Punjab Roadways, it is submitted that they have been appointed directly by the State Government on a regular basis and their service conditions are governed by the Punjab Civil Services Rules. Accordingly, it is contended that the petitioners cannot claim entitlement to the minimum of the regular pay scales granted by the State of Punjab to employees working under Punjab Roadways. It is argued that the management of PUNBUS and Punjab Roadways is totally different and there cannot be any comparison between the employees of both the organizations.

15. Learned counsel further placed reliance on the judgment



rendered by a two-Judge Bench of the Hon'ble Supreme Court in *State of Bihar v. Bihar Secondary Teachers Struggle Committee, Munger & ors, 2019 (18) SCC 301*, wherein certain limitations and qualifications were laid down with respect to the principle of 'equal pay for equal work.' The relevant observations are reproduced as under:

“68. Analysis of the decisions referred to above shows that this Court has accepted following limitations or qualifications to the applicability of the doctrine of 'equal pay for equal work':-

i) The doctrine of 'equal pay for equal work' is not an abstract doctrine.

ii) The principle of 'equal pay for equal work' has no mechanical application in every case.

iii) The very fact that the person has not gone through the process of recruitment may itself, in certain cases, makes a difference.

iv) The application of the principle of 'equal pay for equal work' requires consideration of various dimensions of a given job.

v) Thus normally the applicability of this principle must be left to be evaluated and determined by an expert body. These are not matters where a writ court can lightly interfere.

vi) Granting pay scales is a purely executive function and hence the court should not interfere with the same. It may have a cascading effect creating all kinds of problems for the Government and authorities.

vii) Equation of posts and salary is a complex matter which should be left to an expert body.

viii) Granting of pay parity by the court may result in a cascading effect and reaction which can have adverse consequences.

ix) Before entertaining and accepting the claim based on the



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principle of equal pay for equal work, the Court must consider the factors like the source and mode of recruitment/appointment.

x) In a given case, mode of selection may be considered as one of the factors which may make a difference.”

OBSERVATION & ANALYSIS

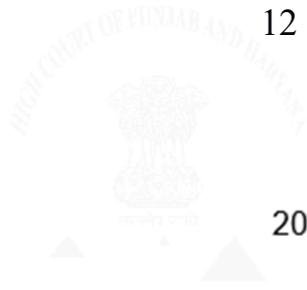
- ***Applicability of the principle of ‘equal pay for equal work’***

16. I have heard the learned counsel for the parties and have perused the record with their able assistance.

17. At this juncture, this Court finds it apposite to briefly trace the genesis and structural framework of the two entities at the heart of the present controversy, namely, Punjab Roadways and PUNBUS (Punjab State Bus Stand Management Company Limited), as the relationship between them forms the bedrock of the petitioners’ claim for parity. As per the information available on the official website of Director State Transport, Government of Punjab,¹ Punjab Roadways came into being as an omnibus service in the year 1948 with a modest fleet of 13 buses. Over the decades, it expanded considerably and its fleet strength reached its zenith in the year 1985 when it stood at 2407 buses. However, due to lack of addition of new buses, the fleet strength started declining. The last addition to the fleet of Punjab Roadways through direct government funding was made in the year 1997-98 when 534 buses were added. Thus, Punjab Roadways is the State government-run public transport undertaking, functioning under the administrative control of the Director State Transport, Punjab, operating

¹*Punjab Roadways | Director State Transport, Government of Punjab, India, <https://punjabroadways.punjab.gov.in/en/punjab-roadways> (last visited Mar. 7, 2026).*

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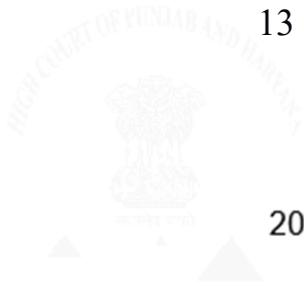
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buses on various routes through its depots spread across the State.

18. While PUNBUS (Punjab State Bus Stand Management Company Limited), on the other hand, was incorporated on 07.03.1995 under the Companies Act, 1956 with the Registrar of Companies, Jalandhar, with 100% equity participation of the State of Punjab.² Being a wholly owned Punjab Government Company, all Directors on the Board and Shareholders are Government nominees. The primary objective of the company at the time of its incorporation was the construction, renovation and maintenance of bus stands in the State of Punjab. Notably, in the year 2006, running and operating commercial vehicles throughout India was also added to the objects clause of PUNBUS. This amendment was carried out with a specific purpose, namely, to augment the fleet of the State transport undertaking in Punjab and to utilize the surplus staff of Punjab Roadways. Thus, PUNBUS, which was originally conceived as a bus stand management company, was additionally tasked with operating public transport services to supplement the dwindling fleet of Punjab Roadways. Furthermore, it is evident that the Managing Director of PUNBUS also simultaneously holds the office of Director, State Transport, Punjab, and as such, PUNBUS, like Punjab Roadways, also functions under the overall administrative control and supervision of the Director, State Transport, Punjab. Moreover, admittedly, there are no sanctioned posts in PUNBUS and no service rules have been framed for its employees. The service conditions of the

²*Punbus | Director State Transport, Government of Punjab, India,*
<https://punjabroadways.punjab.gov.in/en/punjab-roadways> (last visited Mar. 7, 2026).



employees engaged by PUNBUS, including the petitioners herein, are governed solely by the terms and conditions contained in their respective contractual agreements.

19. Having delineated the structural framework of Punjab Roadways and PUNBUS, this Court now proceeds to examine the rival submissions on the applicability of the principle of ‘equal pay for equal work’. In this regard, reference must be made to the judgment rendered by a two-Judge Bench of the Hon’ble Supreme Court in *Jagjit Singh (supra)* wherein the issue of entitlement of temporarily engaged employees (daily-wage employees, ad-hoc appointees, employees appointed on casual basis, contractual employees and the like), to minimum of the regular pay-scale, along with dearness allowance (as revised from time to time) on account of their performing the same duties as their regular counterparts working against sanctioned posts, was addressed. The Hon’ble Apex Court, after referring to a *catena* of judgements, summarised the legal position with regards to the principle of equal pay for equal work and observed as follows:

“42. All the judgments noticed in paragraphs 7 to 24 herein above, pertain to employees engaged on regular basis, who were claiming higher wages, under the principle of ‘equal pay for equal work’. The claim raised by such employees was premised on the ground, that the duties and responsibilities rendered by them, were against the same post for which a higher pay-scale was being allowed, in other Government departments. Or alternatively, their duties and responsibilities were the same, as of other posts with different designations, but they were placed in a lower scale. Having been painstakingly taken through the parameters laid down by this Court, wherein the principle of ‘equal pay for equal work’ was invoked and considered, it would be just and appropriate, to delineate the parameters laid down by this Court. In recording the said parameters,



we have also adverted to some other judgments pertaining to temporary employees (also dealt with, in the instant judgment), wherein also, this Court had the occasion to express the legal position with reference to the principle of 'equal pay for equal work'. Our consideration, has led us to the following deductions:-

(i) The 'onus of proof', of parity in the duties and responsibilities of the subject post with the reference post, under the principle of 'equal pay for equal work', lies on the person who claims it. He who approaches the Court has to establish, that the subject post occupied by him, requires him to discharge equal work of equal value, as the reference post (see - the Orissa University of Agriculture & Technology case, Union Territory Administration, Chandigarh v. Manju Mathur, 2011(1) S.C.T. 830 : (2011) 2 SCC 452, the Steel Authority of India Limited case, and the National Aluminum Company Limited case).

(ii) The mere fact that the subject post occupied by the claimant, is in a "different department" vis-a-vis the reference post, does not have any bearing on the determination of a claim, under the principle of 'equal pay for equal work'. Persons discharging identical duties, cannot be treated differently, in the matter of their pay, merely because they belong to different departments of Government (see - the Randhir Singh case, and the D.S. Nakara case).

(iii) The principle of 'equal pay for equal work', applies to cases of unequal scales of pay, based on no classification or irrational classification (see - the Randhir Singh case). **For equal pay, the concerned employees with whom equation is sought, should be performing work, which besides being functionally equal, should be of the same quality and sensitivity** (see - the Federation of All India Customs and Central Excise Stenographers (Recognised) case, the Mewa Ram Kanojia case, the Grih Kalyan Kendra Workers' Union case and the S.C. Chandra case).

(iv) Persons holding the same rank/designation (in different departments), but having dissimilar powers, duties and responsibilities, can be placed in different scales of pay, and cannot claim the benefit of the principle of 'equal pay for equal work' (see - the Randhir Singh case, State of Haryana v. Haryana Civil Secretariat Personal Staff Association, 2002(3) S.C.T. 674 : (2002) 6 SCC 72, and the Hukum Chand Gupta case). **Therefore, the principle would not be automatically invoked, merely because the subject and reference posts have the same nomenclature.**



(v) **In determining equality of functions and responsibilities, under the principle of 'equal pay for equal work', it is necessary to keep in mind, that the duties of the two posts should be of equal sensitivity, and also, qualitatively similar. Differentiation of pay-scales for posts with difference in degree of responsibility, reliability and confidentiality, would fall within the realm of valid classification, and therefore, pay differentiation would be legitimate and permissible** (see - the Federation of All India Customs and Central Excise Stenographers (Recognised) case and the State Bank of India case). **The nature of work of the subject post should be the same and not less onerous than the reference post. Even the volume of work should be the same. And so also, the level of responsibility. If these parameters are not met, parity cannot be claimed under the principle of 'equal pay for equal work'** (see - State of U.P. v. J.P. Chaurasia, (1989) 1 SCC 121, and the Grih Kalyan Kendra Workers' Union case).

(vi) For placement in a regular pay-scale, the claimant has to be a regular appointee. The claimant should have been selected, on the basis of a regular process of recruitment. An employee appointed on a temporary basis, cannot claim to be placed in the regular pay-scale (see - the Orissa University of Agriculture & Technology case).

(vii) Persons performing the same or similar functions, duties and responsibilities, can also be placed in different pay-scales. Such as - 'selection grade', in the same post. But this difference must emerge out of a legitimate foundation, such as - merit, or seniority, or some other relevant criteria (see - State of U.P. v. J.P. Chaurasia, (1989) 1 SCC 121).

(viii) If the qualifications for recruitment to the subject post vis-a-vis the reference post are different, it may be difficult to conclude, that the duties and responsibilities of the posts are qualitatively similar or comparable (see - the Mewa Ram Kanojia case, and Government of W.B. v. Tarun K. Roy, 2004(1) S.C.T. 78 : (2004) 1 SCC 347). In such a cause, the principle of 'equal pay for equal work', cannot be invoked.

(ix) The reference post, with which parity is claimed, under the principle of 'equal pay for equal work', has to be at the same hierarchy in the service, as the subject post. Pay-scales of posts may be different, if the hierarchy of the posts in question, and their channels of promotion, are different. Even if the duties and responsibilities are same, parity would not be permissible, as against a superior post, such as a promotional post (see - Union of India v. Pradip Kumar Dey, 2001(1) S.C.T. 462 : (2000) 8 SCC 580, and the Hukum Chand Gupta case).



(x) *A comparison between the subject post and the reference post, under the principle of 'equal pay for equal work', cannot be made, where the subject post and the reference post are in different establishments, having a different management. Or even, where the establishments are in different geographical locations, though owned by the same master (see - the Harbans Lal case). Persons engaged differently, and being paid out of different funds, would not be entitled to pay parity (see - Official Liquidator v. Dayanand, (2008) 10 SCC 1).*

(xi) Different pay-scales, in certain eventualities, would be permissible even for posts clubbed together at the same hierarchy in the cadre. As for instance, if the duties and responsibilities of one of the posts are more onerous, or are exposed to higher nature of operational work/risk, the principle of 'equal pay for equal work' would not be applicable. And also when, the reference post includes the responsibility to take crucial decisions, and that is not so for the subject post (see - the State Bank of India case).

(xii) The priority given to different types of posts, under the prevailing policies of the Government, can also be a relevant factor for placing different posts under different pay-scales. Herein also, the principle of 'equal pay for equal work' would not be applicable (see - State of Haryana v. Haryana Civil Secretariat Personal Staff Association, 2002(3) S.C.T. 674 : (2002) 6 SCC 72).

(xiii) The parity in pay, under the principle of 'equal pay for equal work', cannot be claimed, merely on the ground, that at an earlier point of time, the subject post and the reference post, were placed in the same pay-scale. The principle of 'equal pay for equal work' is applicable only when it is shown, that the incumbents of the subject post and the reference post, discharge similar duties and responsibilities (see - State of West Bengal v. West Bengal Minimum Wages Inspectors Association, 2010(2) S.C.T. 250 : (2010) 5 SCC 225).

(xiv) *For parity in pay-scales, under the principle of 'equal pay for equal work', equation in the nature of duties, is of paramount importance. If the principal nature of duties of one post is teaching, whereas that of the other is nonteaching, the principle would not be applicable. If the dominant nature of duties of one post is of control and management, whereas the subject post has no such duties, the principle would not be applicable. Likewise, if the central nature of duties of one post is of quality control, whereas the subject post has minimal duties of quality control, the principle would not be applicable (see - Union Territory Administration, Chandigarh v. Manju Mathur, 2011(1) S.C.T. 830 : (2011) 2 SCC 452).*



(xv) *There can be a valid classification in the matter of pay-scales, between employees even holding posts with the same nomenclature i.e., between those discharging duties at the headquarters, and others working at the institutional/sub-office level (see - the Hukum Chand Gupta case), when the duties are qualitatively dissimilar.*

(xvi) *The principle of 'equal pay for equal work' would not be applicable, where a differential higher pay-scale is extended to persons discharging the same duties and holding the same designation, with the objective of ameliorating stagnation, or on account of lack of promotional avenues (see - the Hukum Chand Gupta case).*

(xvii) **Where there is no comparison between one set of employees of one organization, and another set of employees of a different organization, there can be no question of equation of pay-scales, under the principle of 'equal pay for equal work', even if two organisations have a common employer. Likewise, if the management and control of two organisations, is with different entities, which are independent of one another, the principle of 'equal pay for equal work' would not apply** (see - the S.C. Chandra case, and the National Aluminum Company Limited case).

43. We shall now venture to summarise the conclusions recorded by this Court, with reference to a claim of pay parity, raised by temporary employees (differently designated as work-charge, daily-wage, casual, ad-hoc, contractual, and the like), in the following two paragraphs.

44. *We shall first outline the conclusions drawn in cases where a claim for pay parity, raised at the hands of the concerned temporary employees, was accepted by this Court, by applying the principle of 'equal pay for equal work', with reference to regular employees:-*

(i) *In the **Dhirendra Chamoli** case this Court examined a claim for pay parity raised by temporary employees, for wages equal to those being disbursed to regular employees. The prayer was accepted. The action of not paying the same wage, despite the work being the same, was considered as violative of Article 14 of the Constitution. It was held, that the action amounted to exploitation - in a welfare state committed to a socialist pattern of society.*

(ii) *In the **Surinder Singh** case this Court held, that the right of equal wages claimed by temporary employees emerged, inter alia, from Article 39 of the Constitution. The principle of 'equal pay for equal work' was again applied, where the subject employee had been appointed on temporary basis, and the reference employee was borne on the permanent establishment. The temporary employee was held entitled to wages drawn by an employee on the regular establishment.*



In this judgment, this Court also took note of the fact, that the above proposition was affirmed by a Constitution Bench of this Court, in the D.S. Nakara case.

*(iii) In the **Bhagwan Dass** case this Court recorded, that in a claim for equal wages, the duration for which an employee would remain (- or had remained) engaged, would not make any difference. So also, the manner of selection and appointment would make no difference. And therefore, whether the selection was made on the basis of open competition or was limited to a cluster of villages, was considered inconsequential, insofar as the applicability of the principle is concerned. And likewise, whether the appointment was for a fixed limited duration (six months, or one year), or for an unlimited duration, was also considered inconsequential, insofar as the applicability of the principle of 'equal pay for equal work' is concerned. It was held, that the claim for equal wages would be sustainable, where an employee is required to discharge similar duties and responsibilities as regular employees, and the concerned employee possesses the qualifications prescribed for the post. In the above case, this Court rejected the contention advanced on behalf of the Government, that the plea of equal wages by the employees in question, was not sustainable because the concerned employees were engaged in a temporary scheme, and against posts which were sanctioned on a year to year basis.*

*(iv) In the **Daily Rated Casual Labour Employed under P&T Department through Bhartiya Dak Tar Mazdoor Manch** case this Court held, that under principle flowing from Article 38(2) of the Constitution, Government could not deny a temporary employee, at least the minimum wage being paid to an employee in the corresponding regular cadre, along with dearness allowance and additional dearness allowance, as well as, all the other benefits which were being extended to casual workers. It was also held, that the classification of workers (as unskilled, semi-skilled and skilled), doing the same work, into different categories, for payment of wages at different rates, was not tenable. It was also held, that such an act of an employer, would amount to exploitation. And further that, the same would be arbitrary and discriminatory, and therefore, violative of Articles 14 and 16 of the Constitution.*

*(v) In **State of Punjab v. Devinder Singh**, (1998) 9 SCC 595 this Court held, that daily-wagers were entitled to be placed in the minimum of the pay-scale of regular employees, working against the same post. The above direction was issued after accepting, that the concerned employees, were doing the same work as regular incumbents holding the same post, by applying the principle of 'equal pay for equal work'.*



(vi) In the Secretary, State of Karnataka case, a Constitution Bench of this Court, set aside the judgment of the High Court, and directed that daily-wagers be paid salary equal to the lowest grade of salary and allowances being paid to regular employees. Importantly, in this case, this Court made a very important distinction between pay parity and regularization. It was held that the concept of equality would not be applicable to issues of absorption/regularization. But, the concept was held as applicable, and was indeed applied, to the issue of pay parity - if the work component was the same. The judgment rendered by the High Court, was modified by this Court, and the concerned daily-wage employees were directed to be paid wages, equal to the salary at the lowest grade of the concerned cadre.

(vii) In State of Haryana v. Charanjit Singh, 2006(3) S.C.T. 170 : (2006) 9 SCC 321, a three-Judge bench of this Court held, that the decisions rendered by this Court in State of Haryana v. Jasmer Singh, (1996) 11 SCC 77, State of Haryana v. Tilak Raj, 2003(4) S.C.T. 485 : (2003) 6 SCC 123, the Orissa University of Agriculture & Technology case, and Government of W.B. v. Tarun K. Roy, 2004(1) S.C.T. 78 : (2004) 1 SCC 347, laid down the correct law. Thereupon, this Court declared, that if the concerned daily-wage employees could establish, that they were performing equal work of equal quality, and all other relevant factors were fulfilled, a direction by a Court to pay such employees equal wages (from the date of filing the writ petition), would be justified.

(viii) In State of U.P. v. Putti Lal, (2006) 9 SCC 337, based on decisions in several cases (wherein the principle of 'equal pay for equal work' had been invoked), it was held, that a daily-wager discharging similar duties, as those engaged on regular basis, would be entitled to draw his wages at the minimum of the pay- scale (drawn by his counterpart, appointed on regular basis), but would not be entitled to any other allowances or increments.

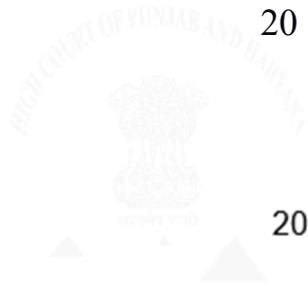
(ix) In the Uttar Pradesh Land Development Corporation case this Court noticed, that the respondents were employed on contract basis, on a consolidated salary. But, because they were actually appointed to perform the work of the post of Assistant Engineer, this Court directed the employer to pay the respondents wages, in the minimum of the pay-scales ascribed for the post of Assistant Engineer.

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54. There is no room for any doubt, that the principle of 'equal pay for equal work' has emerged from an interpretation of different provisions of the Constitution. The principle has been expounded



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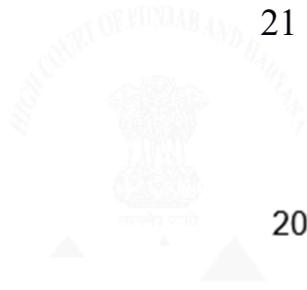


*through a large number of judgments rendered by this Court, and constitutes law declared by this Court. The same is binding on all the courts in India, under Article 141 of the Constitution of India. **The parameters of the principle, have been summarised by us in paragraph 42 herein above. The principle of 'equal pay for equal work' has also been extended to temporary employees (differently described as workcharge, daily-wage, casual, ad-hoc, contractual, and the like). The legal position, relating to temporary employees, has been summarised by us, in paragraph 44 herein above.** The above legal position which has been repeatedly declared, is being reiterated by us, yet again.”*

(Emphasis added)

20. In this backdrop, adverting to the facts of the present case, the petitioners were engaged on outsourced basis from the year 2010 onwards and transitioned to contract basis in the year 2015, after participating in the due process of selection which included a written test, driving/skill test (as applicable), scrutiny of essential qualifications, verification of licences and medical fitness. It was brought to the attention of this Court that petitioners No.4, 6 and 8 were directly hired on contract basis in the year 2015 and had not served as an outsourced employee, unlike the other petitioners. Not only were the petitioners continuously deployed on operational duties, without any break, since their initial engagement, the same was also periodically renewed or extended from time to time.

21. Upon perusal of the material placed on record, this Court is of the considered opinion that the nature of duties performed by the petitioners is identical in all material respects to those discharged by their regular counterparts in Punjab Roadways. Learned counsel for the respondents was unable to controvert the fact that the petitioners' working hours, routes

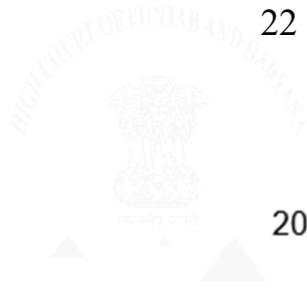


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operated by them, operational risks (including those relating to road safety and accident liabilities), passenger-handling responsibilities, ticketing and route management duties, accountability mechanisms, as well as the disciplinary and supervisory framework governing their service, are identical to that of the regular Drivers/Conductors of Punjab Roadways. Further still, the petitioners operate the same category of buses on public routes, function under the same depot and administrative control, and are subject to identical operational instructions and performance standards. Notwithstanding the fact that the petitioners possess the same educational qualifications, technical licences, experience requirements, and skill standards as those prescribed for regular Drivers and Conductors in Punjab Roadways, their remuneration remains substantially lower than that of their regular counterparts.

22. In light of the foregoing discussion, this Court is satisfied that the petitioners are performing work which, apart from being functionally identical in all material respects to that discharged by their regular counterparts in Punjab Roadways, is also of the same quality and sensitivity. Furthermore, learned counsel for the respondents did not dispute that the letterhead used for official communications reads as “*Office of Director State Transport, Punjab-cum-Managing Director, Punjab State Bus Stand Management Company Limited,*” which indicates that the Director State Transport, Punjab simultaneously functions as the Managing Director of PUNBUS, thereby reflecting that the administrative control over both



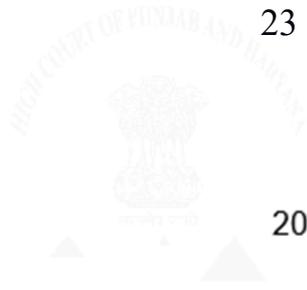
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entities emanates from the same authority. In these circumstances, this Court is of the considered view that such a unified administrative framework undermines the contention raised by learned counsel for the respondents that PUNBUS and Punjab Roadways are entirely separate establishments with independent management structures.

23. A disciplinary challan receipt (Annexure P-4) has been placed on record, which demonstrates that fines imposed on contractual employees of PUNBUS are received by the authorities of Punjab Roadways. This fact, which remains uncontroverted, clearly indicates that the disciplinary control over the petitioners is exercised by the same authority which exercises control over regular employees of Punjab Roadways, thereby negating any suggestion of a separate and independent disciplinary regime for PUNBUS employees.

24. It has been brought to the notice of this Court that buses initially financed and operated under the banner of PUNBUS, upon becoming loan-free through continuous operations and revenue generation, are subsequently transferred to Punjab Roadways (Annexure P-15). Thereafter, these buses continue to be operated by the same staff (Annexure P-16) under the same depot control and supervisory framework. It has also been pointed out that once such buses are transferred and the contractual staff is redesignated to operate them under Punjab Roadways, the corresponding financial allocation is made by the Finance Department, Punjab (Annexure P-17). In these circumstances, the petitioners, despite

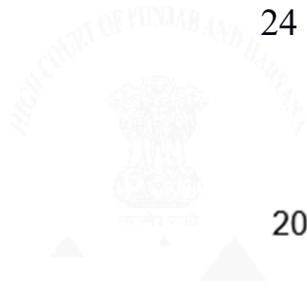


performing identical core functions and contributing to the process by which these buses become loan-free and ultimately convert into valuable State assets, continue to be paid only a lower consolidated remuneration, which is not even comparable to the minimum of the regular pay scale.

25. On that note, this Court is of the considered opinion that PUNBUS and Punjab Roadways cannot be regarded as wholly independent or unrelated establishments. On the contrary, the petitioners and their regular counterparts in Punjab Roadways perform the same functions within a State-controlled public transport framework, under similar operational conditions and supervisory oversight. The distinction between the two entities, therefore, appears to be one of nomenclature, rather than reflecting any genuine functional separation.

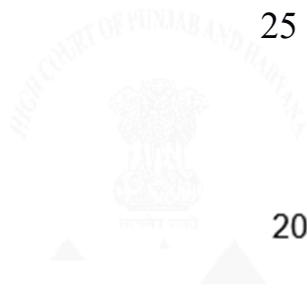
26. Before proceeding further, this Court must address a significant contention raised by learned counsel for the respondents,, that the petitioners are not entitled to the minimum of the regular pay scale because they are not working against sanctioned posts. The argument proceeds on the premise that since the petitioners were engaged on contractual basis against non-sanctioned posts, they cannot claim parity with regular employees of Punjab Roadways, who are appointed against sanctioned posts. This Court finds the said contention to be completely devoid of merit and contrary to the settled legal position.

27. The aforesaid argument, predicated on the absence of sanctioned posts as a ground to deny pay parity, stands fully addressed by



the judgment rendered by a two-Judge Bench of the Hon'ble Supreme Court in *Dhirendra Chamoli v. State of Uttar Pradesh, (1986) 1 SCC 637*. The Hon'ble Apex Court therein was confronted with a claim raised by certain Class-IV employees of the Nehru Yuvak Kendra, Dehradun, who were engaged as casual workers on daily-wage basis that they were performing the same duties as the Class-IV employees appointed on regular basis. The employer resisted the claim on two grounds: *firstly*, that there were no sanctioned posts to accommodate the petitioners, and therefore, they could not be extended the benefits admissible to regular employees; and *secondly*, that the petitioners had accepted employment with full knowledge that they would be paid emoluments as casual daily-wage workers, and consequently, they could not claim anything beyond what they had voluntarily agreed to.

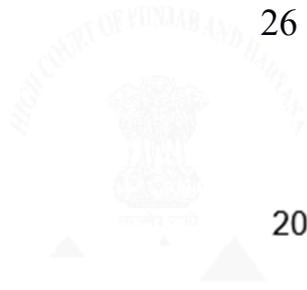
28. On a complete analysis of the controversy, the Hon'ble Supreme Court held that in a welfare State committed to a socialist pattern of society, it is not open to the Government to exploit its citizens by extracting work from them without providing adequate remuneration. It was observed that the argument advanced by the Government ran contrary to the mandate of equality enshrined in Article 14 of the Constitution, which ensures equality before law and equal protection of the laws. Further, the principle of 'equal pay for equal work' was inferred from this constitutional guarantee. Upon finding that the employees engaged by various Nehru Yuvak Kendras across the country were discharging duties similar to those performed by regular Class-IV employees, the Court held that they were



entitled to the same salary and conditions of service as their regular counterparts. Significantly, the Court declared that it made no difference whether the employees were appointed against sanctioned posts or not; so long as they were performing the same duties, they must receive the same salary.

29. Learned counsel for the respondents has also brought to the attention of this Court certain limitations of the principle of 'equal pay for equal work' as laid down by the two-Judge Bench of the Hon'ble Supreme Court in *Bihar Secondary Teachers Struggle Committee (supra)*. The Hon'ble Apex Court in the aforesaid judgment emphasized that the doctrine of 'equal pay for equal work' is not an abstract doctrine and has no mechanical application in every case. The Court observed that the application of this principle requires consideration of various dimensions of a given job, and normally, the applicability of this principle must be left to be evaluated and determined by an expert body, as these are not matters where a writ Court can lightly interfere. It was further emphasised that the Court must consider factors like the source and mode of recruitment, as the mode of selection may, in a given case, make a difference.

30. After considering the various dimensions of the job of the petitioners and their regular counterparts in Punjab Roadways, this Court is of the considered view that the principle of equal pay for equal work is squarely applicable to the present case. The petitioners have placed on record sufficient material to demonstrate that they perform identical duties,

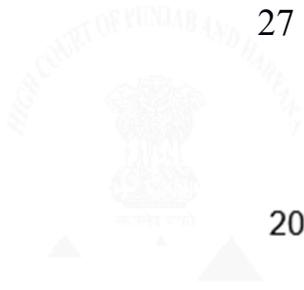


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shoulder identical responsibilities, possess identical qualifications, and work under the same supervisory and disciplinary framework as regular Drivers and Conductors of Punjab Roadways. The respondents have not disputed these factual assertions. The source and mode of recruitment of the petitioners, as detailed in the advertisement dated 31.07.2014 (Annexure P-3), involved a rigorous selection process comprising written examination, practical test, scrutiny of essential qualifications, verification of licences and medical fitness. This process is comparable in its rigour to the process undertaken for regular recruitment. The mode of selection, therefore, does not constitute an intelligible differentia to justify any discrimination between contractual Drivers/Conductors of PUNBUS and their regular counterparts in Punjab Roadways by denying pay parity to the former.

31. Furthermore, before passing the second impugned speaking order dated 13.09.2024 (Annexure P-2) in compliance with the order of this Court dated 24.04.2023 (Annexure P-7), the respondents ought to have conducted a detailed exercise regarding the comparison of qualifications, duties and responsibilities to determine functional parity, and identification of any intelligible differentiating factors through an expert body or otherwise. However, no such exercise was carried out. Moreover, the respondents have not placed any material on record to establish how the nature of work and duties being carried out by the petitioners are different from those performed by regular employees of Punjab Roadways. In the absence of any such material, the bald assertion that the two establishments



are distinct cannot be sustained, especially in light of the overwhelming material on record demonstrating functional parity and unified administrative control.

- ***Prolonged Temporary Engagement of the Petitioners***

32. It is settled law that the High Court, while exercising its writ jurisdiction under Article 226 of the Constitution of India, can mould the relief in the given facts and circumstances, not only on the ground of equitable considerations, but also to ensure that substantial justice is rendered to the parties and further litigation is avoided. A three-Judge Bench of the Hon'ble Supreme Court in ***Dwarka Nath v. Income-tax Officer, Special Circle, Kanpur, 1966 AIR SC 81***, speaking through Justice K. Subba Rao, has observed as follows in this regard:

*“4. ...This article is couched in comprehensive phraseology and it ex facie confers a wide power on the High Court to reach injustice wherever it is found. The Constitution designedly used a wide language in describing the nature of the power, the purpose for which and the person or authority against whom it can be exercised. **It can issue writs in the nature of prerogative writs as understood in England; but the scope of those writs also is widened by the use of the expression "nature" , for the said expression does not equate the writs that can be issued in India with those in England, but only draws an analogy from them. That apart, High Courts can also issue directions orders or writs other than the prerogative writs. It enables the High Courts to mould the reliefs to meet the peculiar and complicated requirements of this country.** Any attempt to equate the scope of the power of the High Court under Article 226 of the Constitution with that of the English Courts to issue prerogative writs is to introduce the unnecessary procedural restrictions grown over the years in a comparatively small country like England with a unitary form of Government to a vast country like India functioning under a federal structure. Such a construction defeats the purpose of*



the article itself. To say this is not to say that the High Courts can function arbitrarily under this Article. Some limitations are implicit in the article and others may be evolved to direct the article thorough defined channels. This interpretation has been accepted by this Court in T.C. Basappa v. Nagappa, 1955-1 SCR 250 and Irani v. State of Madras, 1962-(2) SCR 169.”

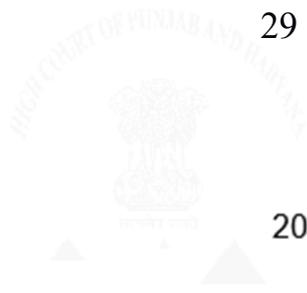
(Emphasis added)

33. Similarly, a two-Judge Bench of the Hon’ble Supreme Court in ***S.K. Ray (Justice) vs. State of Orissa & Others, 2003(4) SCC 21*** has held that the High Courts, while exercising their jurisdiction under Article 226 of the Constitution of India, possess the power to mould and grant appropriate reliefs in the facts and circumstances of a case. Speaking through Justice S. Rajendra Babu, the following was opined:

*“11. The learned counsel for the respondents further submitted that the appellant had not presented his case or claimed compensation for loss of future employment but has claimed only the loss for the present tenure and, therefore, we should not grant any relief to him. **A writ petition, which is filed under Article 226 of the Constitution, sets out the facts an the claims arising thereto. May be in a given case, the reliefs set forth may not clearly set out the reliefs arising out of the facts and circumstances of the case. However, the courts always have the power to mould the reliefs and grant the same.**”*

(Emphasis added)

34. Turning to the facts of the present case, this Court cannot turn Nelson’s eye towards the exploitative employment practices adopted by Respondent no.3-PUNBUS. The petitioners have been continuously engaged on a contractual basis since the year 2015, i.e., for more than a decade, having earlier rendered services on an outsourced basis (except petitioner Nos. 4, 6 and 8, who were directly engaged on a contractual basis). Thus, the petitioners have been discharging their duties, which are akin to the duties of



their regular counterparts in Punjab Roadways, for more than a decade without ever being considered for regularisation.

35. This Court has, time and again, been constrained to observe a trend whereby employees are retained for prolonged periods on a temporary or contractual basis, despite the perennial nature of the services performed by them. The State, being a model employer, cannot be allowed to exploit its temporary employees, when they have been consistently serving its instrumentality for a significant time period. Such an approach would be violative of fundamental rights of the temporary employees enshrined in Article 14, 16 and 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 by them with regard to integral and recurring work of the concerned department. Reliance in this regard can be placed on the judgements rendered by the Hon'ble Supreme Court in *Jaggo v. Union of India and others* 2025 AIR SC 296; *Vinod Kumar and others v. Union of India (2024) 1 SCR 1230*; and *Shripal & Anr. v. Nagar Nigam, Ghaziabad* 2025 SCC OnLine SC 221.

36. The legal landscape on this issue has been crystallized by the Hon'ble Supreme Court and this Court by reiterating that the practice of keeping employees on a continuous contractual basis for years, to perform work that has a perennial nature, while denying them the benefits of permanent service, falls within the ambit of unfair labour practices. The



culture of ‘*ad-hocism*’ and the exploitation of long-term temporary employees must be unequivocally condemned. The approach adopted by the respondents is a classic example of this very trend, which is frequently denounced by the Constitutional Courts. As such, these exploitative practices pursued by the State employer for a decade, only to deny them security of regularisation on hypertechnical or flimsy grounds, cannot be condoned. Reference in this regard must be made to the judgement rendered by a two-Judge Bench of the Hon’ble Supreme Court in ***Dharam Singh and Others v. State of U.P. and Another*** 2025 SCC OnLine SC 1735 wherein, speaking through Justice Vikram Nath, the following observations were made:

“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 offends 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 offices running."

(Emphasis added)

37. In view of the discussion above, this Court is of the considered view that the petitioners, having rendered more than ten years of service on a temporary basis, are entitled to be considered for regularisation. Reliance in this regard may also be placed on the judgments of Coordinate Benches of this Court in CWP-31304-2025, titled "*Joginder vs. State of Haryana and others*"; CWP-10071-2022, titled "*Sanjeev Kumar vs. State of Haryana and others*"; CWP-8912-2016, titled '*Kumar Pal and others vs. Union of India and others*'; CWP-26899-2025, titled '*Nishi and another vs. Panjab University and others*;' as well as the judgement of the Division Bench of this Court in LPA-2032-2024, titled "*State of Punjab and others vs. Sarwan Ram and others*."

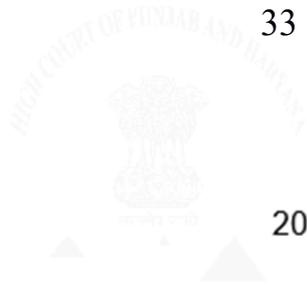
38. Furthermore, recently, this Court in CWP-12434-2022, titled



'Akash Sharma vs. State of Punjab and others', has categorically held that the Punjab Ad hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016 (hereinafter 'Act of 2016') has not been officially repealed and continues to remain in full force. Thus, any person eligible for the benefits granted by the Act of 2016 must be extended the same. Relevant paragraphs of the judgement are reproduced as under:

"20. Curiously, while learned counsel for the respondents vehemently contended that the petitioner's claim cannot be considered under the Act of 2016, it is simultaneously and categorically admitted that the Bill of 2021 never attained the assent of the Governor of Punjab and, therefore, never metamorphosed into an Act. In the absence of such assent, the Bill of 2021 cannot be said to have acquired the force of law. Consequently, the repeal clause as provided in Section 14 of the said Bill, was never implemented and thus, it could not have repealed the Act of 2016. A Bill, regardless of the stage it has reached in the legislative process, does not become law until it receives the assent of the Governor under Article 200 of the Constitution of India. To hold otherwise would effectively allow the Executive to accomplish, through mere statements before a Court, what can only be achieved through the due legislative process.

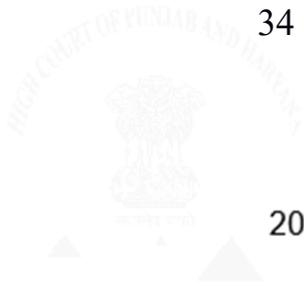
*21. In view of the above, this Court is of the considered opinion that the Act of 2016 continues to have the full force of law as it was never repealed in terms of the settled legal position. Consequently, the claim of the petitioner for regularization is liable to be considered under the said Act. The Bill of 2021, which has not yet been duly enacted, cannot be used to defeat the right of the petitioner to have his claim considered under a validly enacted legislation. Furthermore, learned counsel for the respondents has not placed any material on record to demonstrate the existence of any of the six circumstances as enumerated by the Hon'ble Supreme Court in **M/s. Hindustan Aluminium Corpn. (supra)** in the instant case, so as to render the Act of 2016 as 'having ceased to be in force'. In the absence of a valid repeal by the Legislature, or a declaration of unconstitutionality by a competent Court, the Act of 2016 holds the field."*



CONCLUSION

39. In view of the foregoing discussion, the present petition is **allowed** in the following terms:

- a. The impugned speaking orders dated 02.07.2019 (Annexure P-1) and 13.09.2024 (Annexure P-2) passed by Respondent No. 3 are hereby quashed and set aside. The respondents/competent authority are directed to grant the petitioners the benefit of the minimum of the pay scale along with Dearness Allowance, at par with the regular corresponding post i.e. Drivers/Conductors etc. of Punjab Roadways w.e.f. 01.04.2026.
- a. Furthermore, the respondents/competent authority are directed to consider the case of the petitioners for regularisation under The Punjab Ad hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016, which continues to hold the field.
- b. In the event the petitioners are found not to be covered under the Act of 2016, the respondents shall consider their regularisation in terms of the judgments rendered by the Hon'ble Supreme Court and this Court. Thus, those employees who have rendered more than ten years of service as on the date of filing of the present writ petition, shall be granted the benefit of regularisation. The respondents are directed to pass a speaking order in this regard within a period of six weeks from the date of receipt of certified copy of this order. If no order is passed



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within the aforesaid period, the petitioners shall be deemed to be regularized. Upon regularisation, the petitioners shall be entitled to counting of past service and other benefits as per judgments rendered by this Court in *Harbans Lal v. State of Punjab, CWP No.2371 of 2010* and *State of Haryana and others v. Jai Bhagwan, LPA No.1892 of 2019*.

40. It must be clarified that the present judgement is a *judgment in rem*, intending to give benefit to all similarly situated persons, whether they have approached this Court or not. Reference in this regard must be made to the judgement rendered by a two-Judge Bench of the Hon'ble Supreme Court in *State of Uttar Pradesh v. Arvind Kumar Srivastava, 2014(4) SCT 648*, wherein the Court, speaking through Justice A.K. Sikri, observed as follows:

“23. The legal principles which emerge from the reading of the aforesaid judgments, cited both by the appellants as well as the respondents, can be summed up as under:

(1) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

(2) However, this principle is subject to well recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and



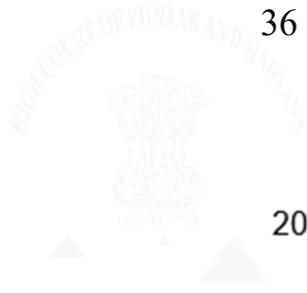
acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

(3) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularisation and the like (see K.C. Sharma & Ors. v. Union of India (supra). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.

(Emphasis added)

41. Therefore, the respondents shall be duty-bound to extend the benefit of the minimum of the regular pay scale or regularisation, as the case may be, to all similarly situated employees of PUNBUS. Such employees should not be compelled to approach this Court for the aforesaid reliefs and shall be at liberty to submit appropriate representations to the respondents/competent authority within a period of three months from today. Upon receipt of such representations, the respondents shall examine the facts of each case in the light of the present judgment and, if satisfied that the principle of 'equal pay for equal work' is attracted, extend the

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benefit of the minimum of the regular pay scale to the concerned employees. Similarly, where such employees are found entitled to regularisation either under The Punjab Ad hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016 or in terms of the judgments rendered by the Hon'ble Supreme Court and this Court, the said benefit shall also be granted to them. The respondents shall pass reasoned and speaking orders in this regard within a period of six weeks from the date of receipt of the representations submitted by the concerned employees.

42. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

March 07, 2026

Yakub

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