



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-17052-2018 (O&M)

Rajbir SinghPetitioner

Versus

State of Punjab and othersRespondents

1.	The date when the judgment is reserved	07.07.2026
2.	The date when the judgment is pronounced	16.07.2026
3.	The date when the judgment is uploaded on	16.07.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	Not applicable

CORAM: HON’BLE MR. JUSTICE NAMIT KUMAR

Argued by : Mr. Padam Kant Dwivedi, Advocate with
Ms. Aashu Gupta, Advocate for the petitioners.

Mr. N.P.S. Hira, D.A.G., Punjab.

Mr. Akshay Rawal, Advocate
for respondents No.2, 3 & 5.

Ms. Pushpanjali Bisht, Advocate for
Mr. T.S. Sidhu, Advocate for respondent No.4.

NAMIT KUMAR, J.

1. The petitioner has filed the instant petition under Articles 226/227 of the Constitution of India, seeking issuance of a writ of mandamus directing the respondents for converting the services of the petitioner as work-charged T-Mate w.e.f. 01.04.1989 and ALM w.e.f.



25.08.2004, at par with Sukhdev Singh, being similarly situated and to grant him all consequential benefits.

2. Briefly stated, the facts of the case, as have been pleaded in the petition, are that the petitioner was appointed as a daily wage worker on 05.06.1986 and worked continuously till 30.09.1987 under Xen OP Division, PSPCL, Dhariwal. Thereafter, he worked as a daily wage worker from June, 1988 to September, 1989 under Xen, TLSC, PSTCL, Jalandhar City. Although, the petitioner discharged his duties to the utter satisfaction of his superiors and that there was requirement of employee on the said post, however, the petitioner was retrenched in September, 1989 without complying with the conditions precedent to retrenchment as defined under Sections 25F of the Industrial Disputes Act, 1947. Even persons junior to the petitioner were retained and new persons on the same posts were appointed by the respondents. Thereafter, in compliance with press notice dated 28.08.1997 (Annexure P-1), issued by the PSEB, Patiala, whereby the workers who were retrenched were re-employed, the petitioner was again engaged/appointed as a daily wage worker w.e.f. 09.01.1997 and worked continuously till July, 1999 under SDO/OP Begowal/Xen OP. PSEB, Kartarpur. Subsequently, on 06.08.1999, the petitioner was appointed as work charged employee and he worked as such till 31.10.2011. Thereafter, the petitioner worked as RTM from 01.11.2011 to 16.04.2012 and was promoted as Assistant Lineman w.e.f. 17.04.2012 and retired from service on 30.11.2022. It has further been pleaded that the Director (Personnel), PSEB, Patiala, vide its letter dated 23.01.1989 (Annexure P-2), had conveyed that the matter regarding conversion of daily wage workers into work-charged



workers has been reviewed by the Board, and it has been decided that all daily wage workers, who have put in 500 working days in the service of the Board up to 31.03.1988 and are continuing in service of the Board shall be eligible to be converted into work-charged workers. Thereafter, Secretary, Personnel Section, PSEB, Patiala, vide its letter dated 03.02.1992 (Annexure P-3), had conveyed that all the daily wage workers having completed 500 days service on 30.09.1988 and who are in service of PSEB may be converted to work-charge workers in the same sub-division/division where they are working. Subsequently, the Secretary, PSEB, Patiala, vide its letter dated 02.11.1993 (Annexure P-4), conveyed that, in pursuance to the policy framed by the Punjab Government, circulated vide letter dated 07.05.1993, and in compliance with directions of Hon'ble Supreme Court in *State of Haryana Vs. Piara Singh : 1992(3) SCT 201*, the PSEB has framed the policy for regularization/ adjustment of work-charge/daily wage/casual workers and as per the said policy, the daily wage workers engaged for execution of various works in different organizations of PSEB shall be converted to work-charged workers after completion of 500 days of service on cut-off date i.e. 31.03.1989, which shall be revised/extended from time to time subject to availability of work charge slots vacated by work-charged workers on regularization. The case of the petitioner is that as he had already completed 500 days of working in the Board on 30.09.1988, as required under the abovesaid policy/letter dated 03.02.1992 (Annexure P-3), therefore, he was entitled to be converted into a work charged employee way back in the year 1988 but was



denied the said benefit by the respondents-department. Hence, the instant petition.

3. Learned counsel for the petitioner has submitted that the petitioner was illegally retrenched in the year 1989, despite the fact that he had worked with the respondents-department for 771 days as per his service book. He has further submitted that since the petitioner had completed 500 days of service as a daily wage worker by 30.09.1988, therefore, as per policy/letter dated 03.02.1992 (Annexure P-3), his daily wage services were liable to be converted into work charged status w.e.f. the year 1988. He has further submitted that one similarly situated employee, namely Sukhdev Singh, working under XEN/OP Division, PSPCL, Dhariwal, District Gurdaspur, was also appointed as a daily wage worker w.e.f. 06.06.1987. His services were terminated in the month of December, 1988, whereupon he challenged the said termination before the Labour Court, Gurdaspur. The Labour Court decided the matter in his favour and granted him 50% back wages from the date of deemed notice i.e. 10.08.1989, along with reinstatement in service with continuity of service, vide award dated 22.02.1999. Accordingly, Sukhdev Singh was converted into work charged T-Mate w.e.f. 01.04.1989 and was thereafter, promoted to the post of ALM w.e.f. 25.08.2004, whereas the petitioner, who is on the same footing, was converted into work charged T-Mate only on 06.08.1999 and was subsequently, promoted to the post of ALM on 17.04.2012. He has also submitted that in the case of the petitioner, the respondents have ignored the letters/policies (Annexures P-2 to P-4) issued by the respondents



from time to time, thereby causing substantial financial loss to the petitioner.

4. Per contra, learned contesting counsel for respondents No.2, 3 & 5, while relying upon the averments made in the written statement filed on behalf of respondents No.2, 3 & 5, has vehemently opposed the relief sought by the petitioner in the instant petition. He has submitted that the petitioner worked as daily wage worker with the respondents-department from June, 1986 to September, 1987 and then from June, 1988 to September, 1989 with interruption/break in service and thereafter, as per re-employment policy of respondents-department, the petitioner was re-employed as daily wage worker w.e.f. 09.01.1997 till July, 1999. He has further submitted that since the petitioner did not complete continuous 500 days of service as daily wage worker till 31.03.1988 or 30.09.1988, therefore, his services cannot be converted into work-charged T-mate from the year 1988. He has further submitted that the case of the petitioner is totally different from the case of Sukhdev Singh as the petitioner never challenged his retrenchment rather he opted the policy of re-employment framed by the respondents-department during 1997 and consequently, he was re-employed in the year 1997 without continuity of service.

5. I have heard learned counsel for the parties and perused the relevant documents.

6. Admittedly, the petitioner worked as a daily wage worker w.e.f. 05.06.1986 to 30.09.1987 under Xen OP Division, PSPCL, Dhariwal. Thereafter, he worked as a daily wage worker from June, 1988 to September, 1989 under Xen TLSC, PSTCL, Jalandhar City. His



services were retrenched by the respondents in September, 1989. Subsequently, under the re-employment policy of PSEB, the petitioner was again engaged/appointed as a daily wage worker w.e.f. 09.01.1997 and worked continuously till July, 1999 under SDO/OP Begowal/Xen OP. PSEB, Kartarpur. On 06.08.1999, he was appointed as work charged employee and continued to service till 31.10.2011. Thereafter, he worked as RTM from 01.11.2011 to 16.04.2012 and was promoted as Assistant Lineman w.e.f. 17.04.2012. He retired from service on 30.11.2022.

7. The case of the petitioner is that as he had completed 500 days of service as daily wage worker by 30.09.1988, therefore, as per policy/letter dated 03.02.1992 (Annexure P-3), his daily wage services were liable to be converted into work charged status w.e.f. the year 1988.

8. As per policy/letter dated 23.01.1989 (Annexure P-2), all daily wage workers, who had put in 500 working days in the service of the Board up to 31.03.1988 and were continuing in service of the Board were eligible for conversion to the work-charged workers. Subsequently, the policy/letter dated 03.02.1992 (Annexure P-3) provided that all the daily wage workers who had completed 500 days of service on 30.09.1988 and were continuing in service of PSEB could be converted to work-charged employees in the same sub-division/division where they were working. Thereafter, the policy/letter dated 02.11.1993 (Annexure P-4) stipulated that the daily wage workers engaged for execution of various works in different organizations of PSEB would be converted into work-charged workers upon completion of 500 days of

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service as on cut-off date, i.e. 31.03.1989, subject to revision/extension from time to time and availability of work charge slots vacated by work-charged workers on regularization.

9. Although, there is a gap between the services rendered by the petitioner as daily wage worker w.e.f. 05.06.1986 to 30.09.1987 and then w.e.f. June, 1988 to September, 1989, however, he had completed 500 days service as daily wage worker with the respondents-department by 30.09.1988. Therefore, his case ought to have been considered under the policy/letter dated 03.02.1992 (Annexure P-3) for converting his daily wage services into work charged services from the year 1988.

10. In view of the above, the respondent-PSPCL is directed to consider the claim of the petitioner for conversion to work-charged under the letters/policies dated 23.01.1989, 03.02.1992 & 02.11.1993 (Annexures P-2 to P-4) and for grant of pensionary benefits, within a period of three months from the date of receipt of certified copy of this order.

11. Disposed of in the above terms.

12. Pending application, if any, shall stands disposed of accordingly.

16.07.2026*Kothiyal***(NAMIT KUMAR)
JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No