



2026:CGHC:20585

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1586 of 2025

- Raj Kumar Chaturvedi S/o Shri Gowerdhan Prasad Chaturvedi Aged About 57 Years Daily Wage Employee, R/o Forest Colony, F.G.-1, Koni, P.S./p.O. Koni, Tahsil, District Bilaspur (C.G.)

... Petitioner

versus

1. State Of Chhattisgarh Through The Secretary, Department Of Forest, Mahanadi Bhawan, New-Raipur (C.G.)
2. The Principal Chief Conservator Of Forests (Adm./araj.) Aranya Bhawan New Raipur (C.G.)
3. The Chief Conservator Of Forest Bilaspur Circle, Bilaspur (C.G.)
4. The Divisional Forest Officer Bilaspur Division, Bilaspur (C.G.)

... Respondents

For Petitioner	:	Mr. Ritesh Verma, Advocate
For State	:	Ms. Apurva Nigam, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

28.04.2026

1. Being aggrieved from the order Annexure P-1 dated 02.07.2021, whereby claim of petitioner seeking regularization of his service has been denied holding him to be ineligible for his regularization in service, petitioner has filed this writ petition seeking following reliefs.

“10.1 that, the respondents may kindly be directed to submit the entire records as regards the petitioner's case

10.2. that, the Hon'ble Court may kindly be pleased to allow the present petition and quash the order No./Estt./159/2021/Bilaspur dated 2.7.2021 passed by respondent No. 4. Further, may direct

the respondents to consider the case of petitioner by regularizing his service in the interest of justice.

10.3. that, the Hon'ble Court may further be pleased to pass any order or issue any suitable writ or direction as may deem fit under the circumstances of the case including cost of the petition."

2. Learned counsel for petitioner submits that petitioner was initially engaged as daily wage employee vide order dated 01.02.1989 and since then he is continuously working as daily wage employee. Earlier from the year 1989 to 1999, he was posted as Van Chowkidar at *Kanan Pendari* zoo and thereafter from the year 2000 till date he is working as Clerk at Forest Division, Bilaspur. It is contention of learned counsel for petitioner that after issuing circular by the State Government dated 05.03.2008, petitioner has earlier filed a writ petition bearing WPS No. 5490/2012 seeking direction to respondents-authorities to consider candidature of petitioner for regularization of his service which came to be disposed of permitting the petitioner to submit fresh representation before the competent authorities vide order dated 13.03.2013 (Annexure P-5). Petitioner thereafter submitted a representation which was not considered and thereafter petitioner filed a contempt petition bearing CONT. No. 464/2013, however, after receiving notice of contempt petition claim of petitioner for regularization was rejected vide order dated 25.11.2013. Petitioner thereafter had again filed a writ petition before this Court seeking a direction to Respondents No. 2 & 3 to take decision on the appeal filed by petitioner against the order rejecting the claim of petitioner for regularization. Accordingly decision was taken by the respondents-authorities on 17.03.2021 and the claim of petitioner for regularization has again been rejected. The Divisional Forest Officer vide letter dated 24.05.2021 asked the petitioner to appear along with all relevant documents for consideration of his candidature for regularization in service. Petitioner thereafter had submitted an application, sought time to produce relevant documents, however, vide order dated 03.01.2021, claim of

petitioner for regularization has been rejected in arbitrary manner without discussing in detail as to how petitioner has not completed 10 years of service. Therefore, the order Annexure P-1 be quashed and respondents-authorities be directed to regularize petitioner in service on the post petitioner was initially engaged.

3. On the other hand, learned State counsel submits that based on the order passed by this Court in earlier writ petition, respondents-authorities have taken a decision and rejected the claim of petitioner of regularization in service observing that petitioner has not completed 10 years of service till 1997. There is no error in the decision making process and the case of petitioner has been considered strictly in accordance with the Circular issued by the State Government in this regard pursuant to the decision of Hon'ble Supreme Court in the matter of **Secretary, State of Karnataka and Others v. Umadevi and Others** reported in **(2006) 4 SCC 1**.
4. I have heard learned counsel for the respective parties and also perused the documents placed on record.
5. The pleadings made in the writ petition with regard to engagement of petitioner since 01.02.1989 is not denied/ refuted by the counsel for the respondents in specific terms. While considering the claim of petitioner for regularization, respondents-authorities in the order impugned and the other orders enclosed along with writ petition have not specifically rejected the claim of petitioner on the ground that petitioner has not engaged by the respondents as daily wage employee from 01.02.1989 but have mentioned that petitioner has not completed 10 years of service as provided in Clause-B of the Circular dated 05.03.2008.
6. It is further case of petitioner that petitioner since the date of initial engagement dated 01.02.1989 is continuously working with the respondents-authorities till date and thereby he has now completed more than 35 years of

service with respondents. Petitioner has enclosed details of the period during which petitioner was engaged in service from 1989 till 1997, which was issued under the signature of employee of the respondent-department dated 28.09.2011. Petitioner has also filed the documents issued by the Branch in-charge (Record Room) of Bilaspur Forest Division, supplied to petitioner under Right to Information Act on 19.08.2014. The contents of the letter is relevant in the facts and circumstances of the case and therefore it is extracted below for ready reference:

“संदर्भित पत्रों का अवलोकन करें श्री राजकुमार चतुर्वेदी आत्मज श्री गोर्वधन - चतुर्वेदी ग्राम घोघाडोह द्वारा किए गये कार्यों का मस्टररोल/प्रमाणक की मांग किया गया है।

आवेदक द्वारा मांग किये गये वर्ष 1989 से 1997 तक का अभिलेख शाखा में उपलब्ध मस्टररोल/प्रमाणक समिति को पूर्व में उपलब्ध करा दिया गया है, जो कि वर्षवार एवं माहवार अधूरा दिया गया है। शेष मस्टररोल/प्रमाणक जीर्ण क्षीर्ण हालत में होने से नियमित मस्टररोल उपलब्ध नहीं कराया जा सका है, तथा अभिलेख शाखा में उक्त मस्टररोल का गहन छानबीन किया गया है, उक्त मस्टररोल पाया नहीं गया, अधिकांश मस्टररोल/प्रमाणक पूर्व में जला दिया गया था। अतः नियमित मस्टररोल वर्तमान में उपलब्ध कराया जाना संभव नहीं है।

शेष वर्ष 2008 से अभी वर्तमान 2014 तक प्रमाणक व्यय 1 में उपलब्ध है।

सही/-

(19/08/2014)

शाखा प्रभारी

(अभिलेख कक्ष)

बिलासपुर वनमंडल, बिलासपुर (छ.ग.)

7. From perusal of contents of this document, Annexure P-9, it is apparent that the officials of the record room has mentioned that the muster roll of that period is not available in department for the reasons assigned therein.
8. When the pleadings made in the writ petition of the case of petitioner that petitioner is working since 01.02.1989 is not specifically denied by the respondents and further the information supplied that the muster roll is not available in the department, petitioner who is poor low paid employee initially

engaged as labourer could not be denied of the fruits of his regular engagement of a period of 35 years on temporary basis/ daily wages employee. Hon'ble Supreme Court in the case of **Umadevi (supra)** considering the issue of regularization of daily wages employees/ temporary employees has observed thus:

“53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. NARAYANAPPA (supra), R.N. NANJUNDAPPA (supra), and B.N. NAGARAJAN (supra), and referred to in paragraph 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals and should further ensure that regular recruitment are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not subjudice, need not be reopened based on this judgment, but there should be no further by-passing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme.”

9. Perusal of the observation made by Hon'ble Supreme Court in **Umadevi's case (supra)**, State Government has issued a Circular on 05.03.2008 issuing guidelines for considering the candidature of the temporary/ daily wage employees for regularization of their service. Relevant portion of Clause-B of the said Circular is extracted below for ready reference.

“2. उपरोक्त माननीय उच्चतम न्यायालय के निर्णय के परिप्रेक्ष्य में राज्य शासन द्वारा सहानुभूतिपूर्वक विचार कर दैनिक वेतन भोगी/तदर्थ रूप से नियुक्त कर्मचारियों की नियमितिकरण की प्रक्रिया निम्नानुसार निर्धारित की जाती है :-

(i) व्यक्ति, रिक्त/स्वीकृत नियमित पद के विरुद्ध पदस्थ किया गया हो और विभागीय भरती नियमों में निर्धारित शैक्षणिक एवं अन्य योग्यताएं रखता हो तो ही नियमित करने योग्य है।

(ii) दैनिक वेतन पर, तदर्थ रूप से अथवा कलेक्टर दर पर (दैनिक वेतन पर) जब नियुक्ति हुई तब से अब तक उस पद की आवश्यकता रही है और आगे भी उस पद की आवश्यकता हो तो संबंधित पद के विरुद्ध ऐसे व्यक्ति को पदस्थ मानते हुए विचार किया जा सकेगा।

(iii) संबंधित व्यक्ति ने दैनिक वेतन भोगी (चाहे कलेक्टर दर पर) के रूप में अथवा तदर्थ रूप में दिनांक 31-12-1997 तक लगातार उसी पद पर या समकक्ष पद पर कार्य किया हो के संबंध में लगातार कार्य करना (सेवा देना) तब ही माना जायेगा यदि प्रत्येक वर्ष में कुल सेवा ब्रेक एक माह से अधिक की न हो। लगातार सेवा के लिये हड़ताल की अवधि सेवा में ब्रेक नहीं मानी जायेगी।

(iv) दिनांक 31-12-1997 तक दैनिक वेतन पर अथवा तदर्थ नियुक्त एवं कार्यरत तृतीय एवं चतुर्थ श्रेणी कर्मचारियों का नियमितिकरण किया जाय।

(v) व्यक्ति यदि कार्यभारित पदों के विरुद्ध कार्यरत है तो कार्यभारित पद पर ही नियमित किया जाए नियमित पद के विरुद्ध कार्यरत हो तो नियमित पद पर ही नियमित किया जाए।

(vi) छत्तीसगढ़ लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों, और अन्य पिछड़े वर्गों के लिये आरक्षण) अधिनियम, 1994 का पालन किया जावे अर्थात् दैनिक वेतन भोगी/तदर्थ रूप में कार्यरत व्यक्ति जिस वर्ग से संबंधित है रोस्टर के अनुसार उसी बिन्दु के समक्ष उसका नियमितिकरण किया जाये एवं रोस्टर में अनुसूचित जाति, अनुसूचित जनजाति, अन्य पिछड़े वर्ग के बिन्दु यदि उम्मीदवार के अभाव में रिक्त रहते हैं तो भविष्य में होने वाली रिक्तियों की पूर्ति आरक्षित बिन्दुओं के लिये प्राथमिकता के आधार पर बैकलाग की पूर्ति की तरह की जायेगी।

(vii) नियमितिकरण स्वीकृत एवं रिक्त पद पर ही किया जाएगा। इस हेतु जिन विभागों में आवश्यक हो वहां सांख्येतर पद निर्मित किये जायें। यदि पद ही कलेक्टर दर पर स्वीकृत हो तो स्वीकृत पदों (दैनिक वेतन पर) को नियमित वेतनमान में परिवर्तित (सृजित) करना होगा।

(viii) परिपत्र जारी होने के बाद शासकीय विभागों द्वारा नियमितिकरण के आदेश जिस दिन जारी किये जायेंगे उसी दिनांक से ही नियमित कर्मचारी माने जावेंगे। पूर्व के किसी दिनांक से नहीं। पदक्रम सूची में इनके नाम आपसी वरिष्ठता अनुसार एनब्लाक सबसे नीचे रखे जायेंगे।

(ix) उपरोक्तानुसार नियमित रूप से नियुक्ति दी गई व्यक्तियों की आपसी वरिष्ठता दैनिक वेतन भोग कर्मचारी/कलेक्टर दर पर, अथवा तदर्थ रूप से कार्यभार ग्रहण के दिनांक के आधार पर निर्धारित की जावेगी। वरिष्ठताक्रम निर्धारित करते समय यदि एक से अधिक व्यक्ति एक दिनांक में नियुक्त किये गये हों तो उनमें से जो आयु में अधिक होगा उसे वरिष्ठ माना जाएगा।”

10. In the case of **Umadevi (supra)**, Hon'ble Supreme Court has considered the period of service which temporary/ daily wage employee has rendered for 10 years or more to be considered for regularization. The date for considering the length of service which the daily wage/ temporary employee rendered would normally be the date of decision unless any cut-off date is prescribed.
11. The Circular issued by the State Government dated 05.03.2008 would show that the Government has made provision for consideration of daily wage employee engaged prior to 31.12.1998 and another provision for regularizing service of the daily wage/ temporary employee engaged in between the period from 01.01.1989 to 31.12.1997. Petitioner has specifically pleaded the date of his engagement as 01.02.1989 and since then to be continuously working with the respondents. In reply, the date of engagement of petitioner as pleaded in the writ petition has not been specifically denied but it only mentions that petitioner has not completed 10 years of continuous service between 01.01.1989 to 31.12.1997.
12. Perusal of Annexure P-1, which is a decision of Divisional Forest Officer on the claim of petitioner for his regularization would show that the concerned authority has also considered that the 10 years period should be from 01.01.1989 to 31.12.1997. The said conclusion arrived by the concerned authority is highly misplaced and not in tune of the Circular issued by the State Government dated 05.03.2008 for regularizing the service of the daily wage/ temporary employee. Case of the petitioner would fall under Clause-B of the Circular dated 05.03.2008 as the petitioner is an employee engaged by the respondents as daily wage employee after 01.01.1989. The language used in Clause-B of the Circular, as extracted above in preceding paragraph,

would clearly show that the period which is mentioned in Clause-B talks of the period in between daily wage/ temporary employee has been appointed and not the period for completing 10 years within the period prescribed. It appears that the respondents-authority has misread and misunderstood Clause-B of the Circular dated 05.03.2008. It is more so when the Circular is issued on 05.03.2008 and it is on that date the period of 10 years is to be counted and therefore the State Government cautiously had taken into consideration and specified the period on 01.01.1989 to 31.12.1997 to be the period in which the employee has been engaged by the State Government or its instrumentality so that the engagement of that employee can be considered whether he completes 10 years of service from the date of his appointment till the date of consideration of his candidature for regularization ie., on or after 05.03.2008.

13.As it is more clear when this Circular is to be read along with decision of Hon'ble Supreme Court in case of **Umadevi (supra)**, wherein in para-53 Hon'ble Supreme Court has clearly observed that the State Government and their instrumentality should take steps for regularization as one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts and to set the process in motion within six months from this date ie., the date on which judgment is delivered by Hon'ble Supreme Court.

14.As in the case at hand, the State Government has issued a Circular on 05.03.2008 and therefore the period of 10 years has to be considered from the date of engagement till the date of issuance of Circular and consideration of candidature of employee for regularization.

15.From the aforementioned facts of the case and the date of appointment which is mentioned in the writ petition and is specifically denied by the respondents was 01.02.1989 and therefore on the date of issuance of Circular, petitioner has rendered about 19 days of service. Respondent-State

along with reply has not submitted any document like muster roll etc. but one application submitted under Right to Information has supplied information that the muster roll etc. of that period as demanded by petitioner is not available as it has been destroyed by burning.

16. Hon'ble Supreme Court recently in the case of **Jaggo Vs. Union of India & Ors.** reported in (2024) SCC OnLine SC 3826 while considering the claim of part-time/ad hoc employees appointed as *Safaiwale*, *Khalasi* who earlier engaged in CWC Establishment at Faridabad had observed thus:-

“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.

23. The International Labour Organization (ILO), of which India is a founding member, has consistently advocated for employment stability and the fair treatment of workers. The ILO's Multinational Enterprises Declaration⁶ encourages companies to provide stable employment and to observe obligations concerning employment stability and social security. It emphasizes that enterprises should assume a leading role in promoting employment security, particularly in contexts where job discontinuation could exacerbate long-term unemployment.

24. The landmark judgment of the United State in the case of *Vizcaino v. Microsoft Corporation*⁷ serves as a pertinent example from the private sector, illustrating the consequences of

misclassifying employees to circumvent providing benefits. In this case, Microsoft classified certain workers as independent contractors, thereby denying them employee benefits. The U.S. Court of Appeals for the Ninth Circuit determined that these workers were, in fact, common-law employees and were entitled to the same benefits as regular employees. The Court noted that large Corporations have increasingly adopted the practice of hiring temporary employees or independent contractors as a means of avoiding payment of employee benefits, thereby increasing their profits. This judgment underscores the principle that the nature of the work performed, rather than the label assigned to the worker, should determine employment status and the corresponding rights and benefits. It highlights the judiciary's role in rectifying such misclassifications and ensuring that workers receive fair treatment.

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 long-term 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 labeled 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 spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.

26. While the judgment in *Uma Devi* (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between “illegal” and “irregular” appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in *Uma Devi* (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour

standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.

28. In view of the above discussion and findings, the appeals are allowed. The impugned orders passed by the High Court and the Tribunal are set aside and the original application is allowed to the following extent:

i. The termination orders dated 27.10.2018 are quashed; ii. The appellants shall be taken back on duty forthwith and their services regularised forthwith. However, the appellants shall not be entitled to any pecuniary benefits/back wages for the period they have not worked for but would be entitled to continuity of services for the said period and the same would be counted for their post-retiral benefits.”

17. Recently, in **SLP (C) No.30762/2024**, parties being **Bhola Nath vs State of Jharkhand & ors**, decided on **31.1.2026**, Hon'ble Supreme Court after referring its earlier decisions on the very issue, has concluded thus:-

“13.6. This Court has, on several occasions, deprecated the practice adopted by States of engaging employees under the nominal labels of “part-time”, “contractual” or “temporary” in perpetuity and thereby exploiting them by not regularizing their positions. In *Jaggo v. Union of India*¹⁰, this Court underscored that government departments must lead by example in ensuring fair and stable employment, and evolved the test of examining whether the duties performed by such temporary employees are integral to the day-to-day functioning of the organization.

13.7. In *Shripal v. Nagar Nigam*¹¹, and *Vinod Kumar v. Union of India*¹², this Court cautioned against a mechanical and blind reliance on *Umadevi* (supra) to deny regularization to temporary employees in the absence of statutory rules. It was held that *Umadevi* (supra) cannot be employed as a shield to legitimise exploitative

engagements continued for years without undertaking regular recruitment. The Court further clarified that Umadevi itself draws a distinction between appointments that are “illegal” and those that are merely “irregular”, the latter being amenable to regularization upon fulfillment of the prescribed conditions.

13.8. In *Dharam Singh v. State of U.P.*¹³, this Court strongly deprecated the culture of “ad-hocism” adopted by States in their capacity as employers. The Court criticised the practice of outsourcing or informalizing recruitment as a means to evade regular employment obligations, observing that such measures perpetuate precarious working conditions while circumventing fair and lawful engagement practices.

13.9. The State must remain conscious that part-time employees, such as the appellants, constitute an integral part of the edifice upon which the machinery of the State continues to function. They are not merely ancillary to the system, but form essential components thereof. The equality mandate of our Constitution, therefore, requires that their service be reciprocated in a manner free from arbitrariness, ensuring that decisions of the State affecting the careers and livelihood of such part-time and contractual employees are guided by fairness and reason.

13.10. In the aforesaid backdrop, we are unable to persuade ourselves to accept the respondent-State’s contention that the mere contractual nomenclature of the appellants’ engagement denudes them of constitutional protection. The State, having availed of the appellants’ services on sanctioned posts for over a decade pursuant to a due process of selection and having consistently acknowledged their satisfactory performance, cannot, in the absence of cogent reasons or a speaking decision, abruptly discontinue such engagement by taking refuge behind formal contractual clauses. Such action is manifestly arbitrary, inconsistent with the obligation of the State to act as a model employer, and fails to withstand scrutiny under Article 14 of the Constitution.

FINAL CONCLUSION:

14. In light of our discussion, in the foregoing paragraphs, we summarize our conclusions as follows:

I. The respondent-State was not justified in continuing the appellants on sanctioned vacant

posts for over a decade under the nomenclature of contractual engagement and thereafter denying them consideration for regularization.

II. Abrupt discontinuance of such long-standing engagement solely on the basis of contractual nomenclature, without either recording cogent reasons or passing a speaking order, is manifestly arbitrary and violative of Article 14 of the Constitution.

III. Contractual stipulations purporting to bar claims for regularization cannot override constitutional guarantees. Acceptance of contractual terms does not amount to waiver of fundamental rights, and contractual stipulations cannot immunize arbitrary State action from constitutional scrutiny.

IV. The State, as a model employer, cannot rely on contractual labels or mechanical application of *Umadevi* (supra) to justify prolonged ad-hocism or to discard long-serving employees in a manner inconsistent with fairness, dignity and constitutional governance.

V. In view of the foregoing discussion, we direct the respondent-State to forthwith regularize the services of all the appellants against the sanctioned posts to which they were initially appointed. The appellants shall be entitled to all consequential service benefits accruing from the date of this judgment .

18. Following the decision in the case of **Jaggo (Supra)**, Hon'ble Supreme Court in the case of **Shripal & Anr. Vs. Nagar Nigam, Ghaziabad** reported in **(2025) SCC OnLine SC 221** while considering the claim of regularization of the appellants therein had observed thus:-

“12. The evidence, including documentary material and undisputed facts, reveals that the Appellant Workmen performed duties integral to the Respondent Employer's municipal functions specifically the upkeep of parks, horticultural tasks, and city beautification efforts. Such work is evidently perennial rather than sporadic or project-based. Reliance on a general “ban on fresh recruitment” cannot be used to deny labor protections to long-serving workmen. On the contrary, the acknowledged shortage of Gardeners in the Ghaziabad Nagar Nigam reinforces the notion that these positions are essential and ongoing, not intermittent.

13. By requiring the same tasks (planting, pruning, general upkeep) from the Appellant Workmen as from regular Gardeners but still compensating them inadequately and inconsistently the Respondent Employer has effectively engaged in an unfair labour practice. The principle of “equal pay for equal work,” repeatedly emphasized by this Court, cannot be casually disregarded when workers have served for extended periods in roles resembling those of permanent employees. Long-standing assignments under the Employer’s direct supervision belie any notion that these were mere short-term casual engagements.

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*³ 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 long-term 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 spans decades. This lack of social security subjects them and their families to undue hardship,

especially in cases of illness, retirement, or unforeseen circumstances.”

16. The High Court did acknowledge the Employer's inability to justify these abrupt terminations. Consequently, it ordered re-engagement on daily wages with some measure of parity in minimum pay. Regrettably, this only perpetuated precariousness : the Appellant Workmen were left in a marginally improved yet still uncertain status. While the High Court recognized the importance of their work and hinted at eventual regularization, it failed to afford them continuity of service or meaningful back wages commensurate with the degree of statutory violation evident on record.

17. In light of these considerations, the Employer's discontinuation of the Appellant Workmen stands in violation of the most basic labour law principles. Once it is established that their services were terminated without adhering to Sections 6E and 6N of the U.P. Industrial Disputes Act, 1947, and that they were engaged in essential, perennial duties, these workers cannot be relegated to perpetual uncertainty. While concerns of municipal budget and compliance with recruitment rules merit consideration, such concerns do not absolve the Employer of statutory obligations or negate equitable entitlements. Indeed, bureaucratic limitations cannot trump the legitimate rights of workmen who have served continuously in de facto regular roles for an extended period.

18. The impugned order of the High Court, to the extent they confine the Appellant Workmen to future daily-wage engagement without continuity or meaningful back wages, is hereby set aside with the following directions:

I. The discontinuation of the Appellant Workmen's services, effected without compliance with Section 6E and Section 6N of the U.P. Industrial Disputes Act, 1947, is declared illegal. All orders or communications terminating their services are quashed. In consequence, the Appellant Workmen shall be treated as continuing in service from the date of their termination, for all purposes, including seniority and continuity in service.

II. The Respondent Employer shall reinstate the Appellant Workmen in their respective posts (or posts akin to the duties they

previously performed) within four weeks from the date of this judgment. Their entire period of absence (from the date of termination until actual reinstatement) shall be counted for continuity of service and all consequential benefits, such as seniority and eligibility for promotions, if any.

III. Considering the length of service, the Appellant Workmen shall be entitled to 50% of the back wages from the date of their discontinuation until their actual reinstatement. The Respondent Employer shall clear the aforesaid dues within three months from the date of their reinstatement.

IV. The Respondent Employer is directed to initiate a fair and transparent process for regularizing the Appellant Workmen within six months from the date of reinstatement, duly considering the fact that they have performed perennial municipal duties akin to permanent posts. In assessing regularization, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never applied to the Appellant Workmen or to similarly situated regular employees in the past. To the extent that sanctioned vacancies for such duties exist or are required, the Respondent Employer shall expedite all necessary administrative processes to ensure these longtime employees are not indefinitely retained on daily wages contrary to statutory and equitable norms.”

19. Recently, Hon’ble Supreme Court in case of **Dharam Singh & Ors. Vs. State of UP & Anr.** (2025 SCC OnLine SC 1735) has strongly deprecated the culture of “ad-hocism” adopted by States in their capacity as employers. Hon’ble Supreme Court also criticized the practice of outsourcing or informalizing recruitment as a means to evade regular employment obligations, observing that such measures perpetuate precarious working conditions while circumventing fair and lawful engagement practices and observed thus:

“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.

x x x

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. Considering the aforementioned facts of the case as discussed above, decisions of Hon'ble Supreme Court as referred in preceding paragraphs and further considering the petitioner was engaged in service on 01.02.1989 and is continuously working with the respondents-authorities, in the opinion of this Court, decision Annexure P-1 dated 02.07.2021 passed by respondents-authorities on the claim of petitioner for his regularization in service is not sustainable, accordingly it is quashed. Respondents-authorities are directed to reconsider the case of petitioner for regularization of service taking note of observation made by this Court in the preceding paragraph, considering Clause-B of the Circular of the State Government dated 05.03.2008 and to pass order(s) afresh within a period of 04 weeks from the date of receipt of copy of order passed by this Court.

21. Accordingly, writ petition is partly allowed in the above terms.

Sd/-

(Parth Prateem Sahu)

Judge