



2026:CGHC:10000



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2076 of 2026

1 - Devlal Sahu S/o Shri Manthram Sahu Aged About 32 Years R/o Gram Hichcha, P.O. Khatti Tehsil Bagbahra, District- Mahasamund (C.G.)
(Currently Working As Data Entry Operator / Clerk Daily Wage, Office Of The Collector, Food Branch Mahasamund)

2 - Manish Kumar Gupta, S/o Shri Krishna Kumar Gupta, Aged About 33 Years R/o Nayapara Ward No. 11 Vrindavan Colony District - Mahasamund (C.G.) Currently Working As Data Entry Operator / Clerk Daily Wage, Office Of The Collector, Food Branch Mahasamund)

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Food, Civil Supplies And Consumer Protection, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District- Raipur (C.G.)

2 - The Director, Directorate Of Food Civil Supplies And Consumer Protection, Block - 2 3rd Floor, Indrawati Bhawan, Atal Nagar, Nava Raipur, District- Raipur (C.G.)

3 - The Collector, District Mahasamund, Collectorate Mahasamund (C.G.)

4 - The Food Officer, Office Of The Collector (Food Branch), District- Mahasamund (C.G.)

5 - The District Marketing Officer C.G. State Cooperative Marketing Federation Ltd. District- Mahasamund (C.G.)

--- **Respondent(s)**

(Cause title is taken from CIS system)

For Petitioners	: Ms. Sunita Jain, Advocate
For Respondents/State No.1 to 4	: Ms. Shailja Shukla, G.A.
For Respondent No.5	: Ms. Astha Shukla, Advocate



Hon'ble Shri Justice Parth Prateem Sahu
Order On Board

26/02/2026

1. Petitioner has filed this petition seeking following relief (s) :-

“10.1 That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of Mandamus directing the Respondent No.3 (Collector, Mahasamund) to convene the meeting of the Departmental Selection Committee (DSC), constituted vide Order No. 670 dated 01.12.2025, and take a final decision regarding the regularization of the Petitioners within a time bound period.

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ in the nature of Mandamus commanding and directing the Respondent No.3 (Collector, Mahasamund) to immediately issue the Order of Regularization appointing the Petitioners to the post of Assistant Grade-III, in strict compliance with the unanimous recommendation of the Departmental Selection Committee dated 16.01.2026.

10.3 Any other relief, which this Hon'ble Court may deems fit and proper may also be awarded.”

2. Learned counsel for petitioners submits that petitioners are working as Data Entry Operator since 2015. After completion of 10 years of continuous service as daily wage employee, they have submitted representation before respondent No.3 for regularization of their services. Respondent No.3 considering the grievance raised in the representation has constituted a Committee considering the claim of petitioners for regularization, therefore, direction be issued to respondent No.3 to conclude the proceedings at the earliest within specified time frame.



3. Learned counsel for respective respondents submits that they are having no objection to the limited prayer made by learned counsel for petitioners. More so when respondent No.3 has already constituted a Committee to consider the claim of petitioners for regularization.
4. I have heard learned counsel for parties.
5. Undisputedly, petitioners are working as Data Entry Operator on daily wage basis since 2015 and as of now they have completed 10 years of their services.
6. Hon'ble Supreme Court in the case of **Narendra Kumar Tiwari & Ors. Vs. State of Jharkhand & Ors.** reported in **(2018) 8 SCC 238** considering the decision in case **Umadevi (Supra)** has observed thus:-

“ 8. If a strict and literal interpretation, forgetting the spirit of the decision of the Constitution Bench in Umadevi (3)2, is to be taken into consideration then no irregularly appointed employee of the State of Jharkhand could ever be regularised since that State came into existence only on 15-11-2000 and the cut- off date was fixed as 10-4-2006. In other words, in this manner the pernicious practice of indefinitely continuing irregularly appointed employees would be perpetuated contrary to the intent of the Constitution Bench.

9. The High Court as well as the State of Jharkhand ought to have considered the entire issue in a contextual perspective and not only from the point of view of the interest of the State, financial or otherwise — the interest of the employees is also required to be kept in mind. What has eventually been achieved by the State of Jharkhand is to short circuit the process of regular appointments and instead make appointments on an irregular basis. This is hardly good governance.

10. Under the circumstances, we are of the view that the Regularisation Rules must be given a pragmatic interpretation and the appellants, if they have completed 10 years of service on the date of promulgation of the Regularisation Rules, ought to be given the benefit of the service rendered by them. If they have completed 10 years of service they should be regularised unless there is



some valid objection to their regularisation like misconduct, etc.”

7. 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 Corporation⁷ 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.”

8. In case of **Vinod Kumar v. Union of India**, reported in **(2024) 9 SCC 327**, Hon'ble Apex Court had held that mere procedural formalities cannot stand in the way of regularizing service of an employee whose appointment was termed "temporary" but who has rendered services akin to that of a regular employee, over a substantial period of time, in the capacity of a regular employee. It has been observed in the relevant paragraphs (i.e. para 6 & 7) that:-

*“6. The application of the judgment in **Uma Devi** (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of **Uma Devi** (supra).*

*7. The judgment in the case **Uma Devi** (supra) also distinguished between "irregular" and "illegal" appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case....”*

9. 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 India¹⁰, 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 Nigam¹¹, and Vinod Kumar v. Union of India¹², 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 .

10. In the case at hand, respondent No.3 has already taken a decision to consider the claim of petitioners for regularization of service and has constituted a Committee on 01.12.2025 and the Committee has to consider and take decision on the claim of petitioners, therefore, this writ petition at this stage is disposed of directing respondent No.3 to conclude



the proceedings on the claim of petitioners keeping in mind the decisions of Hon'ble Supreme Court as discussed above at the earliest preferably within further period of three months from the date of receipt of this order.

11. With the aforesaid observations and directions, this petition stands disposed of.

Sd/-
(Parth Prateem Sahu)
Judge

Balram