



2026:CGHC:12866



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2531 of 2026

- 1 - Ashok Kannauje S/o Tukaram Kannauje Aged About 54 Years R/o Dhamni, Kirwai Tahsil Rajim District- Gariyaband (C.G.)
- 2 - Prakash Kumar Nayak S/o Devnath Nayak Aged About 31 Years R/o Gurugovind Singh Ward No. 36, Jagdalpur , District- Bastar (C.G.)
- 3 - Hemkumari Nag W/o Maniram Nag Aged About 50 Years R/o Nainpur, Rajkot, District- Bastar (C.G.)
- 4 - Savita Das D/o Maniram Das Aged About 35 Years R/o Sadak Para, Rajur, District- Bastar, (C.G.)
- 5 - Budharu Gilhare S/o Biselal Gilhare Aged About 36 Years R/o Ward No. 4, Baroda District- Raipur (C.G.)
- 6 - Anil Kumar Baghel S/o Budharu Ram Baghel Aged About 38 Years R/o Dau Mill Gali, Jagdalpur, District- Bastar, (C.G.)
- 7 - Radhamani W/o Kateshwar Aged About 41 Years R/o Halba Para, Jaitgiri District- Bastar, (C.G.)
- 8 - Khelan Das Ogre S/o Jagat Ram Ogre Aged About 39 Years R/o Ward No. 4 Banrasi Mana Camp, District- Raipur (C.G.)
- 9 - Ayti Manjhi D/o Bhawani Manjhi Aged About 30 Years R/o Gram Panchayat Bajawand, District- Bastar, (C.G.)
- 10 - Purnima Yadav W/o Mansukh Lal Yadav Aged About 40 Years R/o Ward No. 68 Yadav Para, Raipura District- Raipur (C.G.)
- 11 - Farsuram S/o Prabhuram Aged About 41 Years R/o Kumhli, District- Bastar, (C.G.)
- 12 - Nirmala Dhruw W/o Khubchand Dhruw Aged About 39 Years R/o Village Akoli, District- Raipur (C.G.)
- 13 - Sohan Bore S/o Pochaiya Bore Aged About 41 Years R/o New Hospital Para, Bijapur, District- Bijapur (C.G.)
- 14 - Laxmi Kashyap W/o Payaku Kashyap Aged About 40 Years R/o Village And Post Nelasnar, District- Bijapur (C.G.)



- 15** - Laxman Bhogam S/o Kova Bhogam Aged About 37 Years R/o Balaji Camp, Gangalur Post Gangalur District- Bijapur (C.G.)
- 16** - Suresh Kumar S/o Uderam Aged About 45 Years R/o Satnami Para Village Datan (Khaira) Tahsil Palari, District- Balodabazar- Bhatapara (C.G.)
- 17** - Lakhan Lal Manjhi S/o Bhawani Ram Manjhi Aged About 35 Years R/o Halba Para, Farsegarh P.S. Bhairamgarh, District- Bijapur (C.G.)
- 18** - Khushi Kumar Mehar S/o Shyamlal Mehar, Aged About 37 Years R/o Ward No. 2, Basti Para, Emarpali District- Mahasamund (C.G.)
- 19** - Rinku Modiyam S/o Bhima Modiyam Aged About 24 Years R/o Village Heerapur, Basagud, District- Bijapur (C.G.)
- 20** - Pandu Telam S/o Masa Ram Telam Aged About 40 Years R/o Dongripara Bijapur District- Bijapur (C.G.)
- 21** - Priyanka Khadi D/o Mansharam Jhadi Aged About 26 Years R/o Dipu Para, Bijapur District- Bijapur (C.G.)
- 22** - Manvati Chalki D/o Durupsai Chalki Aged About 32 Years R/o School Para Mukinar District- Bijapur (C.G.)
- 23** - Maleshwari Katkam W/o Gouri Shankar Katkam Aged About 44 Years R/o School Para Saknapali Bareguda District- Bijapur (C.G.)
- 24** - Shivcharan Markam S/o Garib Aged About 45 Years R/o Basantpur, P.S. Basantpur, District- Balrampur- Ramanujganj (C.G.)
- 25** - Sammi Uika W/o Sampat Uika Aged About 49 Years R/o Village And Post Awapalli, District- Bijapur (C.G.)
- 26** - Nagesh Karam S/o Narayan Karam Aged About 30 Years R/o Kamar Guda Post Murdanda, District- Bijapur (C.G.)
- 27** - Maheshwar Ekka S/o Chhertu Ekka Aged About 45 Years R/o Near Petrol Pump, Ramanujganj District- Balrampur- Ramanujganj (C.G.)
- 28** - Radheshyam Kewant S/o Ramnarayan Kewat Aged About 41 Years R/o Ward No. 12, Kera Road Kanasda District- Janjgir- Champa (C.G.)
- 29** - Shivkumar Verma S/o Manrakhan Verma Aged About 50 Years R/o Ward No. 8, Pendrawan Tahsil Dhamdha, District- Durg (C.G.)
- 30** - Sanjay Kumar Chaturvedi S/o Gangaram Chaturvedi Aged About 36 Years R/o Verma Para, Ghotwani, District- Durg (C.G.)
- 31** - Sudhram S/o Gunja Ram Aged About 50 Years R/o Vtc Ichkela P.O. Ichkela District- Jashpur (C.G.)
- 32** - Sagantin Sori W/o Santosh Sori, Aged About 33 Years R/o Ward No. 17, Karsing P.O. Bamni Bazar, District- Kondagaon (C.G.)
- 33** - Suresh Kumar S/o Joshan Dhruw Aged About 25 Years R/o Gram Panchayat Siganpur, Keshkal, District- Kondagaon (C.G.)



- 34** - Nohru Ram Poyam S/o Pito Ram Poyam Aged About 47 Years R/o Village And Post Girola District- Kondagaon (C.G.)
- 35** - Kapur Lal Netam S/o Kamlu Ram Netam Aged About 40 Years R/o Nayapara, Samapur, Makdi, District- Kondagaon (C.G.)
- 36** - Rakesh Kumar Netam S/o Balram Netam Aged About 41 Years R/o Uppar Para, Makdi, District- Kondagaon (C.G.)
- 37** - Toran Yadav S/o Ramji Yadav Aged About 52 Years R/o Ward No. 7, Armarikala District- Balod (C.G.)
- 38** - Gajadhar Dhruw S/o Shivilal Dhruw Aged About 44 Years R/o Vtc Hirawandi Post Heerapur, Makdi, District- Kondagaon (C.G.)
- 39** - Mangaram Mandavi S/o Malsai Mandavi Aged About 43 Years R/o Bazar Para, Makdi, District- Kondagaon (C.G.)
- 40** - Maniram Churendra S/o Kalyan Singh Churendra Aged About 54 Years R/o House No. 229 Sanjay Nagar, Kotera, District- Balod (C.G.)
- 41** - Chaitram Markam S/o Gudram Markam Aged About 38 Years R/o Village Gadhbegal, District- Narayanpur (C.G.)
- 42** - Rakesh Kumar S/o Girivar Ram Aged About 32 Years R/o Ward No. 6, Badgaon, District- Balod (C.G.)
- 43** - Dharam Nishad S/o Bharat Nishad Aged About 41 Years R/o Ward No. 20, Khatti, District- Mahasamund (C.G.)
- 44** - Raju Dhimar S/o Gangaram Dhimar Aged About 45 Years R/o Near Old Malaria Office Mahasamund District- Mahasamund (C.G.)
- 45** - Lokesh Kumar Thakur S/o Lalaram Thakur Aged About 32 Years R/o Village Badrenga, Tahsil Lohandiguda District- Bastar (C.G.)

... Petitioners

Versus

- 1** - State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Nawa Raipur , District- Raipur (C.G.)
- 2** - The Secretary, Government Of Chhattisgarh General Administration Department Atal Nagar, Raipur Nawa Raipur District- Raipur (C.G.)
- 3** - The Secretary, Government Of Chhattisgarh Finance Department Atal Nagar, Raipur Nawa Raipur, District- Raipur (C.G.)
- 4** - The Director, Directorate Of Health Services, Atal Nagar Raipur Nawa Raipur District- Raipur (C.G.)
- 5** - The Director, Ayurved Yog And Natural Medicine Yunani, Siddha And Homeopathy (Ayush) Atal Nagar, Nagar, Raipur Nawa Raipur, District- Raipur (C.G.)

... Respondents

For Petitioners : Ms. Deeksha Jaiswal, Advocate



For Respondents-State : Ms. Sakshi Bajpai, Panel Lawyer

SB: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

18/03/2026

1. Petitioners have filed this writ petition seeking following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order, thereby directing the respondent authorities to take policy decision for conversion of part time sweeper like petitioners as full time sweeper, within stipulated time.

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order, thereby directing the respondent authorities to decide the pending representation filed by the petitioners through their Union namely Chhattisgarh Ayush Safai Karamchari Kalyan Sangh.

10.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2. Learned counsel for the petitioners submit that petitioners are working as Part-Time Sweeper under Respondent-department since 1992. According to respondents, the order of regularization of petitioners could not be passed because of extra financial burden upon the State. She submits that the matter is pending before the Finance Department for financial approval with regard to the payment of salary to be paid to employees like petitioners after their regularization. She contended that the petitioners have submitted representation dated 08.09.2025 through their union before the Secretary, Department of Medical Education (Ayush), Raipur with a prayer for regularizing their services and therefore, direction be issued to the concerned authority to consider and take decision on the representation submitted by their union, expeditiously within specified time frame.



3. On the other hand, learned counsel for the Respondents/State would submit that as petitioners are not pressing this writ petition on merits and are only seeking direction to the concerned authority to consider and take decision on the representation dated 08.09.2025 submitted by the petitioners through their union, she is having no objection to the limited prayer.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. The grievance of petitioners as projected in this writ petition is that they are continuously in employment since last about more than 10 years with the Respondents/State. Hon'ble Supreme Court in the case of **Secretary, State of Karnataka and Others v. Umadevi and Others** reported in **(2006) 4 SCC 1** considering that the daily-wage employee/temporary employee will not be discriminated to the extent of wages/salary as paid to the regular employees has considered the regularization of employees who have been employed by the employer, their service is not illegal but irregular and is continuous employment since about more than 10 years and 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."

6. After the decision in case of **Umadevi (supra)**, State Government has issued circular addressing to all the stakeholders of different departments of the State of Chhattisgarh on 05.03.2008 with the subject that regularization of Class III and Class IV employees working as daily-wage employee or temporary employee. In the aforementioned notification, it is mentioned that the procedure for regularization of services of Class III and Class IV employees working as daily-wage or temporary employees. Paragraph 2 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。”

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 Declaration](#)⁶ 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.”

8. 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 .

9. 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.”

10. 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.”

11. In the above facts of the case and the decisions of Hon'ble Supreme Court and further considering that the petitioners have submitted representation dated 08.09.2025 before the Secretary, Department of



Medical Education (Ayush), Raipur raising all the grounds as raised in this writ petition, in the opinion of this Court, I find it appropriate to dispose of this writ petition directing the Secretary, Department of Medical Education (Ayush), Raipur to consider and take decision on the representation dated 08.09.2025 as submitted by the petitioners in accordance with law, keeping in mind the decisions of Hon'ble Supreme Court as discussed above, preferably within a period of 06 months from the date of receipt of the representation.

12. With the aforesaid observation and direction, this writ petition stands **disposed of.**

Sd/-

(Parth Prateem Sahu)
Judge

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