



2026:CGHC:12447



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2480 of 2026**

1 - Rajesh Kumar @ Rajesh Fafameriya S/o Krishna Fafameriya Aged About 46 Years R/o Village Ghoghre, Post Churiya, Sub District Rajnandgaon, District Rajnandgaon Chhattisgarh

2 - Harun Das S/o Ramdas Aged About 47 Years R/o Padram Tola, Post Bamhanicharbhatta, Sub District Churiya, District Rajnandgaon Chhattisgarh

3 - Vinod Kumar Sahu S/o Luman Das Sahu Aged About 41 Years R/o Ward No. 11, Pairitola, District Rajnandgaon Chhattisgarh

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Forest And Climate Change Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh

2 - Secretary General Administration Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh

3 - Secretary Finance Department, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh



4 - Secretary Law And Legislative Affairs Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh

5 - The Additional Principal Chief Conservator Of Forests Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh

6 - The Chief Conservator Of Forest (Divisional) Durg Circle, Jail Road, Panch Building, District - Durg Chhattisgarh

7 - The Divisional Forest Officer Rajnandgaon Division, District Rajnandgaon Chhattisgarh

... Respondent(s)

For Petitioners	:	Mr. Anup Majumdar, Advocate
For Respondents/State:		Ms. Poorva Tiwari, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

16/03/2026

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

"10.1. That, this Hon'ble High Court may be kind enough to call for the service records of petitioners pertaining to the case, in the interest of justice.

10.2. That, this Hon'ble High Court may be kind enough to direct the State to consider the cases of petitioners for absorption/regularisation in state services under either regular/ work-charge/ contingency establishment from their initial date of appointment.

10.3. That, this Hon'ble High Court may be kind enough to direct state to grant equal pay to the petitioners at par with their counterparts working in regular/work-charge/contingency establishment and



also arrears of salary from their entitlement with revised pay scale and other consequential benefits.

10.4. That the respondent departments may be directed to regulate the service conditions of the petitioners and persons alike directing authorities to streamline the conditions of service.

10.5. That, any other relief/reliefs which may deem fit and proper in the facts and circumstances of the case, may also be allowed."

2. Learned counsel for petitioners submits that petitioners were employed as Labourer (Class-IV employee) in the respondent-Department on daily wage basis in the year 2013, 2014 and 2016 respectively. As of now petitioners have completed more than 10 years or 10 years of service as daily wage employees. He submits that in view of decision of Hon'ble Supreme Court in case of **Vinod Kumar and Ors. Vs. Union of India & Ors.** (2024) 9 SCC 327, **Jaggo Vs. Union of India** reported in (2024) SCC Online SC 3826 and **Shripal and Anr Vs. Nagar Nigam Ghaziabad** (Civil Appeal No.8157 of 2024), petitioners are entitled for regularization of their service. He also contended that earlier, the details of daily wage employees were called for, for regularization of their service in the work charged and contingency paid employee establishment, but the said proceeding was not concluded and no order has been passed.
3. Learned counsel for the State submits that she may be granted time to file reply to writ petition.
4. I have heard learned counsel for the parties and also perused the documents annexed along with writ petition.



5. Claim of petitioners is that petitioners have completed more than 10 years or 10 years of service as daily wage employee. They are still continuously working as daily wage employee and further contention of learned counsel for the petitioners is that work is continuously available for petitioners as they are working with Forest Department.
6. Hon'ble Supreme Court in case of **Narendra Kumar Tiwari & Others Versus State of Jharkhand & Others** reported in SCC (L&S) 2018 (2) 472 considered the issue of claim of regularization of temporary/daily wages employees, who had completed 10 years of service. Further, Hon'ble Supreme Court in case of **Jaggo Versus Union of India** reported in (2024) SCC Online SC 3826 has further observed that the 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.
7. Hon'ble Supreme Court in case of **Bhola Nath Vs. The State of Jharkhand & Ors.** [SLP (Civil) No.30762 of 2024] and connected Special Leave Petitions (Civil) vide its order dated 30th January 2026 has observed that respondent -State was not justified in continuing the appellant's services on sanctioned posts for over a decade under nomenclature of contractual engagement and thereafter denying them consideration for regularization and have further directed for regularizing the appellants therein, in service.



8. 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.”

9. On due consideration of the submission of counsel for the parties, considering the nature of the claim as raised by the petitioners in this writ petition, they are continuously engaged as daily wage employee for long time, this writ petition is disposed of at this stage, permitting



the petitioners to submit comprehensive representation before respondents No. 5 to 7 along with all supporting documents and if, such a representation is submitted, the concerned authorities shall consider and take decision on the representation in accordance with law in an objective manner, expeditiously, preferably within a further period of four months from the date of receipt of representation, keeping in mind the decision of Hon'ble Supreme Court on the point of regularization of service of daily wage employee or temporary employee .

Sd/-

(Parth Prateem Sahu)

Judge