



2026:CGHC:12446

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2481 of 2026

Geeta Yadav D/o Panch Ram Yadav Aged About 48 Years R/o Ward No. 5,
Neta Ji Chowk Gali, Janjgir, District- Janjgir- Champa Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Agriculture Development And Farmers Welfare And Biotechnology, 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, Nava Raipur, District- Raipur Chhattisgarh

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

5 - The Director, Directorate Of Horticulture And Field Forestry, 4th Floor, Block 2, Hod Bhawan Indrawati Naya Raipur Atal Nagar District- Raipur Chhattisgarh

6 - The Joint Director, Finance, Directorate , Horticulture Atal Nagar Nava Raipur District- Raipur Chhattisgarh

7 - The Assistant Director, Of Horticulture District- Janjgir Champa Chhattisgarh

... Respondent(s)

For Petitioner	:	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. Petitioner has 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 petitioner 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 petitioner for absorption/regularisation in state services under either regular/work-charge/contingency establishment from her 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 petitioner at par with their counterparts working in regular/work-charge/contingency establishment and also arrears of salary from her 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 petitioner 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 petitioner submits that petitioner was employed as Computer Operator in the respondent-Department on daily wage basis in the year 2004. As of now petitioner has completed more than 20 years of service as daily wage employee. 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), petitioner is entitled for regularization of her 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 petitioner is that petitioner has completed more than 20 years of service as daily wage employee. She is still continuously working as daily wage employee and further contention of learned counsel for the petitioner is that work is continuously available for petitioner as she is working with Horticulture and Field Forestry 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 petitioner in this writ petition, she is continuously engaged as daily wage employee since 16.12.2004, this writ petition is disposed of at this stage, permitting the petitioner 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

Praveen