



2026:CGHC:12646



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2510 of 2026**

Agarmandas S/o Shri Faguwadas Aged About 57 Years Working As Peon (Daily Wager Employee) And Posted At Public Health Engineering Department Kawardha, District Kabirdham Chhattisgarh

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Secretary, Public Health Engineering Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh

2 - Superintending Engineer Public Health Engineering Department Division Durg District Durg Chhattisgarh

3 - Collector, Kawardha District Kabirdham Chhattisgarh

4 - Sub Divisional Officer (Res) Public Health Engineering Department Kawardha, District Kabirdham Chhattisgarh

5 - Executive Engineer Public Health Engineering Department Kawardha, District Kabirdham Chhattisgarh

6 - Assistant Engineer Public Health Engineering Sub Division Bodla, District Kabirdham Chhattisgarh

... Respondents



For Petitioner	:	Mr. Pradeep Kumar Jogi, Advocate
For State	:	Mr. Sahil Singh, Panel lawyer

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

Order on Board

17.03.2026

1. Petitioner has filed this writ petition, seeking following reliefs:-

“I. That, this Hon'ble Court may kindly be pleased to direct respondents authorities to consider claim case of the petitioner for regularization strictly taking into account of seniority within time frame, in the interest of justice.

II. Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.”
2. Learned counsel for petitioner submits that petitioner is employee of respondents and was initially appointed as Peon (daily wage employee) on 02.04.1988 at Public Health Engineering Department Kawardha, District - Kabirdham, since then he is continuously performing his duty on the said post. Petitioner has completed more than 38 years of service however, he has not been regularized. Petitioner submitted representation before respondent no. 5 vide Annexure P-1 requesting for regularization of his service, which till date is pending consideration. Therefore, direction be issued to respondent no. 5 to consider and take decision on the claim of petitioner for regularization of her service within specified time frame.
3. Learned counsel for State submits that as petitioner is not pressing this writ petition on merits and is only seeking direction to consider and take decision on pending representation, he is having no objection.



4. I have heard learned counsel for the parties and perused the documents available on record.
5. Claim as raised by the petitioner in this writ petition is that he is continuously working as daily wage employee for more than about 38 years.
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. Taking into consideration that the petitioner is engaged as daily wage employee since 1988, the circular issued by the State Government dated 05.03.2008 for regularization of daily wage/temporary employee who are working prior to 1997 and the relief as claimed by petitioner for regularization of her service as also considering the decision of Hon’ble Supreme Court in the above mentioned cases, this writ petition at this



stage is disposed permitting the petitioner to submit fresh comprehensive representation before the respondent No. 3,4 and 5 and if, such a representation is submitted, the concerned authority shall consider and take decision on the representation keeping in mind the period of service which the petitioner has completed of about 38 years as also the decision of Hon'ble Supreme Court on the issue of regularization of daily wage/temporary employee, expeditiously, in accordance with law expeditiously, preferably within a further period of 04 months from the date of receipt of representation.

10. Accordingly, this petition is disposed of with aforesaid observation and direction.

Certified copy as per rules.

sd/-

(Parth Prateem Sahu)
Judge

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