



2026:CGHC:13261



2026:CGHC:13261

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2580 of 2026

1 - Mahesh Kumar Rathore S/o Umend Ram Rathore Aged About 44 Years
R/o Ward No. 18, Near Dhan Kharidi Kendra, Seoni, District- Janjgir Champa
(C.G.)

2 - Deepak Kumar Kashyap S/o Jeewan Lal Kashyap Aged About 36 Years
R/o Village And Post- Sohagpur, Tehsil- Kartala, P.S.- Urga, District- Korba
(C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Rural
Industries, Mahanadi Bhawan, Capital Complex, Mantralaya, Atal Nagar,
Raipur (C.G.)

2 - The Director Directorate Of Rural Industries Handloom, Headquarters,
Indravati Bhawan, Atal Nagar, Nava Raipur, District- Raipur (C.G.)

3 - The Assistant Director (Handloom) District Handloom Office, Janjgir-
Champa, District Janjgir-Champa (C.G.)

... Respondent(s)



For Petitioners	: Ms. Mahi Pandey, Advocate
For State	: Mr. Ajay Kumrani, Panel Lawyer

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

Order on Board

19/03/2026

1. With the consent of learned counsel appearing for the parties, the case is heard finally.

2. Petitioners have filed this petition seeking following reliefs:

“10.1 This Hon'ble Court may kindly be pleased to call for the entire records relating to the cases of the petitioners.

10.2 That, the Hon'ble Court may kindly be pleased to direct the respondents to consider and regularize the services of the petitioners on the post of Data Entry Operator and Driver respectively in accordance with law.

10.3 That, the Hon'ble Court may kindly be pleased to direct the respondent authorities to consider and decide the representations submitted by the petitioners for regularization of their services in light of the judgment passed by Hon'ble Supreme Court in the case of Narendra Tiwari v. State of Jharkhand, Jaggo v. Union of India and other similar matters within a stipulated time frame.

10.4 That, any other relief which the Hon'ble Court may deem appropriate in the facts and circumstances be also granted.”

3. Learned counsel for petitioners submits that the petitioners were initially engaged as daily wage employee in the year 2012 on the post of Date Entry Operator and Driver respectively . Since, their initial engagement, they are continuously working on daily wage basis and



as of now petitioners have completed more than 10 years of service on daily wage basis. She contended that in view of the law laid down by Hon'ble Supreme Court, petitioners are entitled for consideration for regularization of their service on the post, on which, they are working for more than 10 years. She, however, submits that at this stage petitioners may be permitted to submit fresh representation before the appropriate authority and the said authority be directed to take decision on the representation expeditiously thereafter.

4. Learned State counsel submits that as petitioners are not pressing this writ petition on merits and only seeking permission to submit representation to be considered by authorities, he is having no objection to the limited prayer.

5. I have heard learned counsel for the parties and also perused the documents annexed along with writ petition.

6. Claim of the petitioners is that petitioners were engaged in service as daily wage employee on collector rate since 2012 and are continuously working for more than a decade. Now they have become overage.

7. In case of **Narendra Kumar Tiwari & Others Versus State of Jharkhand & Others**, reported in SCC (L&S) 2018 (2) 472 Hon'ble Supreme Court has considered the issue of claim of regularization of temporary/daily wage 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.

8. 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.

9. 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.”

10. In the aforementioned facts of case more particularly the period of engagement of petitioners as daily wage employee and recent decisions of Hon’ble Supreme Court on the point of regularization as discussed in preceding paragraphs, this writ petition is disposed of permitting the petitioners to submit a comprehensive fresh representation before respondent authority seeking regularization and if such representation is submitted, concerned authority shall consider and decide the claim of petitioners sympathetically 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 in cases of **Narendra Kumar Tiwari** (supra) **Jaggo** (supra), **Bhola Nath** (supra) and **Dharam Singh** (supra).

Sd/-

(Parth Prateem Sahu)
Judge