



CGHC010247492026



2026:CGHC:36835

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5357 of 2026

- Gyaneshwar Dewangan S/o Laxman Dewangan Aged About 41 Years Occ.- Pump Operator, At Municipal Corporation Rajnandgaon, R/o Village Motipur, Ganeshpara, Ward No. 8, Lane No. 3, Rajnandgaon, District- Rajnandgaon (C.G.)

... Petitioner(s)

versus

1. State Of Chhattisgarh Through Secretary, The Department Of Administration And Development, Mahanadi Bhawan, Capital Complex, Mantralaya, Atal Nagar, Distt. Raipur (C.G.)
2. Directorate Administration And Development, Indrawati Bhawan, Capital Complex, Mantralaya, Atal Nagar, Distt. Raipur (C.G.)
3. Municipal Corporation, Rajnandgaon Through Its Commissioner, Municipal Corporation, Rajnandgaon, District- Rajnandgaon (C.G.)

... Respondent(s)

For Petitioner	:	Mr. Diwesh Kumar, Advocate
For Respondents No. 1 and 2	:	Mr. Khulesh Sahu, P.L.
For Respondent No. 3	:	Mr. Nishant Basak, Advocate on behalf of Mr. Ashutosh Trivedi, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

18.8.2026

1) By way of this petition, the petitioner has sought following reliefs:-

10.1 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction, quashing and setting aside Letter No. 684/स्था./2019 dated 23.07.2019 (Annexure-P/4) issued by the Commissioner, Municipal Corporation, Rajnandgaon (C.G.), being arbitrary, illegal, contrary to the order dated 29.08.2018 passed in Writ Petition (S) No. 766 of 2011, and violative of the law laid down by the Hon'ble Supreme Court and this Hon'ble Court.

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction commanding the respondents to consider and regularize the services of the petitioner in accordance with the State Government Order No. F-12-1/2007/1-3 dated 05.03.2008, the judgment rendered in Dhaniram & Others vs. State of Chhattisgarh & Others in W.P.(S) No. 6798 of 2010, the order dated 29.08.2018 passed in Writ Petition (S) No. 766 of 2011, and the principles laid down by the Hon'ble Supreme Court in Secretary, State of Karnataka & Ors. vs. Umadevi & Ors., reported in (2006) 4 SCC 1.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondents to grant all consequential service benefits arising out of such regularization, including fixation of pay, continuity of service and all other attendant benefits, in accordance with law.

10.4 Any other relief which this Hon'ble Court may deem and proper in the present circumstances of the case.

2) Facts of present case are that initially, petitioner was appointed as Pump Operator on daily wage basis under the respondent No. 3 in year 2008 and he was retrenched and subsequently re-engaged as contractual worker by the respondent No. 3 on 29.8.2010. Said decision was assailed by the petitioner in WPS No. 766 of 2011. The writ petition was allowed vide order dated 29.8.2018. Subsequently,

respondent No. 3 vide order dated 23.7.2019 rejected the claim of petitioner for regularization on the ground that petitioner was appointed after the cut-off date i.e. 31.12.1997 mentioned in circular dated 5.3.2008.

- 3) Learned counsel for the petitioner submits that respondent No. 3 rejected the claim of petitioner solely on the ground that he was appointed after the cut-off date i.e. 31.12.1997 therefore circular dated 5.3.2008 would not attract on him. He further submits that as petitioner has been working with the department for more than 15 years, respondent authorities should have considered the claim of petitioner with regard to regularization. He prays to allow this writ petition.
- 4) On the other hand, learned counsel appearing for the respective respondents would oppose. They submit that petitioner was appointed after the cut-off date i.e. 31.12.1997 therefore he would not come within the purview of circular dated 5.3.2008. They further submit that petitioner was not appointed against sanctioned and vacant post and he was never interviewed therefore he has no right to claim regularization. They also submit that respondent No. 3 has rejected the claim of petitioners after due consideration and this petition deserves to be dismissed.
- 5) I have heard learned counsel for the parties and perused the material available on record.
- 6) In the present case, petitioner has been continuously working with

the department for more than 15 years and his claim for regularization has been rejected solely on the ground that he was appointed after the cut-off date i. e. 31.12.1997. In my considered view, it is not necessary for an establishment or a State instrumentality to always apply circular dated 5.3.2008 while dealing with the cases of regularization. The authority concerned has to consider nature of employment, length of service, past record of employee, sanctioned vacancy etc. It is well settled principle of law that prolonged temporary engagement of daily wagers amounts exploitation and defeats constitutional mandate.

7) The aspect of regularization has been considered by the Hon'ble Supreme Court **Jaggo Versus Union of India**¹ in which it has been held in paragraphs 26 and 27 as under :

26. While the judgment in Umadevi (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 legitimate claims of long-serving employees. This or misapplied to judgment aimed to distinguish between "illegal" and deny "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 appointments are not illegal, but merely lack where their adherence to procedural formalities. Government departments often cite the judgment in Umadevi (supra) to argue that no vested right to regularization exists for

1. 2024 LiveLaw (SC) 1032

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.

8) Recently, in **Shripal Versus Nagar Nigam, Ghaziabad**², the Hon'ble Supreme Court has cautioned that **Uma Devi** judgment cannot be used as a shield to justify exploitation through long term "ad-hocism", the use of outsourcing as a proxy, or the denial of basic parity where identical duties are exacted over extended periods. Relevant paragraph 14 reads as under :-

14. The Respondent Employer places reliance on Umadevi (supra) to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, Uma Devi itself distinguishes between appointments that are "illegal" and those that are "irregular," the latter being eligible for regularization if they meet certain conditions. More importantly, Uma Devi cannot serve as a

2. 2025 SCC OnLine SC 221

shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment. Given the record which shows no true contractor-based arrangement and a consistent need for permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

9) In view of the aforesaid discussion and the legal principles established by the Apex Court, the order passed by respondent No. 3 dated 23.7.2019 is hereby quashed and matter is remitted back to the authority concerned to consider the claim of petitioner keeping in mind the observations made herein-above. It is expected that entire exercise shall be completed by respondent No. 3 within period of 150 days from the date of receipt of copy of this order.

10) In result, this writ petition stands **allowed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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