



2026:CGHC:12510

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 6063 of 2024**

1 - Manharan Lal Sahu S/o Dhani Ram Sahu, Aged About 56 Years Working On The Post Of Daily Wages Employ (Security Labor) Posted At Harethi Nursery, Forest Range-Sakti, District- Sakti (C.G.)

... Petitioner**Versus**

1 - State Of Chhattisgarh Through- The Secretary, Department Of Forest, Mahanadi Bhawan, New Raipur, District- Raipur (C.G.)

2 - Chief Conservator Of Forest, Aranya Bhawan, Medical College Road, Raipur, P.S. And District- Raipur (C.G.)

3 - Conservator Of Forest, Bilaspur Circle, Office At Conservator Of Forest, Nehru Chowk, Bilaspur, District- Bilaspur (C.G.)

4 - The Divisional Forest Officer, Forest Division-Champa, District-Janjgir-Champa (C.G.)

5 - The Sub Divisional Officer (Forest) Sub Division-Sakti, District- Sakti (C.G.)

6 - Forest Range Officer- Forest Range- Sakti, District- Sakti (C.G.)

... Respondents

For Petitioner : Mr. H.S. Patel, Advocate

For Respondents-State : Ms. Poorva Tiwari, Panel Lawyer

SB: 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 Court may kindly be pleased to set-aside the impugned order dated 28.08.2024 (Annexure P/1) issued by the Respondent No. 6.

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consider and decide the claim of the petitioner for regularization of the service of petitioner as early as possible.

10.3 That, this Hon'ble Court may kindly be pleased to issue direct the respondent authorities to finalize the case of the petitioner for regularization vide memo dated 09.08.2008 within stipulated period.

10.4 Any other relief/ or relief's may also be granted to the petitioner which this Hon'ble Court deems fit & proper in the facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that petitioner was initially appointed on 01.01.1995 and since then, he is continuously working as daily-wage employee till date. As of now, petitioner has completed but not regularized about 30 years of service as daily-wage employee but not regularized. Petitioner submitted representation for regularization of his services based upon which, the respondent initially forwarded the case of petitioner for consideration and appropriate action/order to the higher authorities which till date is not replied nor any decision has been taken and therefore, direction be issued to the respondent authorities to take decision on the claim of petitioner at the earliest.
3. On the other hand, learned counsel for the Respondents/State would submits that according to her instructions also, the claim of petitioner has been forwarded from Divisional Forest Officer, Forest Division Champa, Janjgir Champa to the higher authorities and the claim of petitioner for regularization is pending consideration before the Chief District Conservator of Forest.
4. At this stage, learned counsel for petitioner submits that in the facts and circumstances of the case and the submissions made by the counsel for

the Respondents/State that the claim of the petitioner is pending consideration before the higher authorities, direction be issued to the said authority i.e. Chief Conservator of Forest to take decision on the claim of the petitioner for regularization at the earliest within specified time. He also contended that the similarly situated employees namely, Naresh Kumar Patel and Navin Kumar Mehta has been regularized in service vide order dated 18.09.2024 and therefore, direction be issued to the respondent authorities to consider and take decision on the claim of petitioner keeping in mind the order of regularization issued in favour of other two similarly situated employees.

5. I have heard learned counsel for the parties and perused the documents placed on record.
6. The grievance of petitioner as projected in this writ petition is that they are continuously in employment since last about more than 10 years with the Respondents/State. Hon'ble Supreme Court in the case of ***Secretary, State of Karnataka and Others v. Umadevi and Others*** reported in ***(2006) 4 SCC 1*** considering that the daily-wage employee/temporary employee will not be discriminated to the extent of wages/salary as paid to the regular employees has considered the regularization of employees who have been employed by the employer, their service is not illegal but irregular and is continuous employment since about more than 10 years and observed thus:-

“ 53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in [S.V. NARAYANAPPA](#) (supra), [R.N. NANJUNDAPPA](#) (supra), and [B.N. NAGARAJAN](#) (supra), and referred to in paragraph 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that

context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not subjudice, need not be reopened based on this judgment, but there should be no further by-passing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme.”

7. After the decision in case of **Umadevi (Supra)**, State Government has issued circular addressing to all the stakeholders of different departments of the State of Chhattisgarh on 05.03.2008 with the subject that regularization of Class III and Class IV employees working as daily-wage employee or temporary employee. In the aforementioned notification, it is mentioned that the procedure for regularization of services of Class III and Class IV employees working as daily-wage or temporary employees. Paragraph 2 of the said circular is extracted below for ready reference:-

“ 2. उपरोक्त माननीय उच्चतम न्यायालय के निर्णय के परिप्रेक्ष्य में राज्य शासन द्वारा सहानुभूतिपूर्वक विचार कर दैनिक वेतन भोगी/तदर्थ रूप से नियुक्त कर्मचारियों की नियमितिकरण की प्रक्रिया निम्नानुसार निर्धारित की जाती है :-

(i) व्यक्ति, रिक्त/स्वीकृत नियमित पद के विरुद्ध पदस्थ किया गया हो और विभागीय भरती नियमों में निर्धारित शैक्षणिक एवं अन्य योग्यताएं रखता हो तो ही नियमित करने योग्य है।

(ii) दैनिक वेतन पर, तदर्थ रूप से अथवा कलेक्टर दर पर (दैनिक वेतन पर) जब नियुक्ति हुई तब से अब तक उस पद की आवश्यकता रही है और आगे भी उस पद की आवश्यकता हो तो संबंधित पद के विरुद्ध ऐसे व्यक्ति को पदस्थ मानते हुए विचार किया जा सकेगा।

(iii) संबंधित व्यक्ति ने दैनिक वेतन भोगी (चाहे कलेक्टर दर पर) के रूप में अथवा तदर्थ रूप में दिनांक 31-12-1997 तक लगातार उसी पद पर या समकक्ष पद पर कार्य किया हो के संबंध में लगातार कार्य करना (सेवा देना) तब ही माना जायेगा यदि प्रत्येक वर्ष में कुल सेवा ब्रेक एक माह से अधिक की न हो। लगातार सेवा के लिये हड़ताल की अवधि सेवा में ब्रेक नहीं मानी जायेगी ।

(iv) दिनांक 31-12-1997 तक दैनिक वेतन पर अथवा तदर्थ नियुक्त एवं कार्यरत तृतीय एवं चतुर्थ श्रेणी कर्मचारियों का नियमितिकरण किया जाय ।

(v) व्यक्ति यदि कार्यभारित पदों के विरुद्ध कार्यरत है तो कार्यभारित पद पर ही नियमित किया जाए नियमित पद के विरुद्ध कार्यरत हो तो नियमित पद पर ही नियमित किया जाए।

(vi) छत्तीसगढ़ लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों, और अन्य पिछड़े वर्गों के लिये आरक्षण) अधिनियम, 1994 का पालन किया जावे अर्थात् दैनिक वेतन भोगी/तदर्थ रूप में कार्यरत व्यक्ति जिस वर्ग से संबंधित है रोस्टर के अनुसार उसी बिन्दु के समक्ष उसका नियमितिकरण किया जाये एवं रोस्टर में अनुसूचित जाति, अनुसूचित जनजाति, अन्य पिछड़े वर्ग के बिन्दु यदि उम्मीदवार के अभाव में रिक्त रहते हैं तो भविष्य में होने वाली रिक्तियों की पूर्ति आरक्षित बिन्दुओं के लिये प्राथमिकता के आधार पर बैकलाग की पूर्ति की तरह की जायेगी।

(vii) नियमितिकरण स्वीकृत एवं रिक्त पद पर ही किया जाएगा । इस हेतु जिन विभागों में आवश्यक हो वहां सांख्येतर पद निर्मित किये जायें। यदि पद ही कलेक्टर दर पर स्वीकृत हो तो स्वीकृत पदों (दैनिक वेतन पर) को नियमित वेतनमान में परिवर्तित (सृजित) करना होगा।

(viii) परिपत्र जारी होने के बाद शासकीय विभागों द्वारा नियमितिकरण के आदेश जिस दिन जारी किये जायेंगे उसी दिनांक से ही नियमित कर्मचारी माने जावेंगे। पूर्व के किसी दिनांक से नहीं। पदक्रम सूची में इनके नाम आपसी वरिष्ठता अनुसार एनब्लाक सबसे नीचे रखे जायेंगे।

(ix) उपरोक्तानुसार नियमित रूप से नियुक्ति दी गई व्यक्तियों की आपसी वरिष्ठता दैनिक वेतन भोग कर्मचारी/कलेक्टर दर पर, अथवा तदर्थ रूप से कार्यभार ग्रहण के दिनांक के आधार प निर्धारित की जावेगी । वरिष्ठताक्रम निर्धारित करते समय यदि एक से अधिक व्यक्ति एक दिनांक में नियुक्त किये गये हों तो उनमें से जो आयु में अधिक होगा उसे वरिष्ठ माना जाएगा.”

8. Hon'ble Supreme Court recently in the case of **Jaggo Vs. Union of India & Ors.** reported in **(2024) SCC OnLine SC 3826** while considering the claim of part-time/ad hoc employees appointed as Safaiwale, Khalasi who earlier engaged in CWC Establishment at Faridabad had observed thus:-

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also

sets a concerning precedent that can erode public trust in governmental operations.

23. The International Labour Organization (ILO), of which India is a founding member, has consistently advocated for employment stability and the fair treatment of workers. The ILO's Multinational Enterprises Declaration⁶ encourages companies to provide stable employment and to observe obligations concerning employment stability and social security. It emphasizes that enterprises should assume a leading role in promoting employment security, particularly in contexts where job discontinuation could exacerbate long-term unemployment.

24. The landmark judgment of the United State in the case of Vizcaino v. Microsoft Corporation⁷ serves as a pertinent example from the private sector, illustrating the consequences of misclassifying employees to circumvent providing benefits. In this case, Microsoft classified certain workers as independent contractors, thereby denying them employee benefits. The U.S. Court of Appeals for the Ninth Circuit determined that these workers were, in fact, common-law employees and were entitled to the same benefits as regular employees. The Court noted that large Corporations have increasingly adopted the practice of hiring temporary employees or independent contractors as a means of avoiding payment of employee benefits, thereby increasing their profits. This judgment underscores the principle that the nature of the work performed, rather than the label assigned to the worker, should determine employment status and the corresponding rights and benefits. It highlights the judiciary's role in rectifying such misclassifications and ensuring that workers receive fair treatment.

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:

*• **Misuse of “Temporary” Labels:** Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labeled as “temporary” or “contractual,” even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.*

*• **Arbitrary Termination:** Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.*

- **Lack of Career Progression:** Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

- **Using Outsourcing as a Shield:** Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

- **Denial of Basic Rights and Benefits:** Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.

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

28. *In view of the above discussion and findings, the appeals are allowed. The impugned orders passed by the High Court and the Tribunal are set aside and the original application is allowed to the following extent:*

i. The termination orders dated 27.10.2018 are quashed; ii. The appellants shall be taken back on duty forthwith and their services regularised forthwith. However, the appellants shall not be entitled to any pecuniary benefits/back wages for the period they have not worked for but would be entitled to continuity of services for the said period and the same would be counted for their post-retiral benefits.”

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. Recently, in **SLP (C) No.30762/2024, parties being Bhola Nath vs State of Jharkhand & ors, decided on 31.1.2026**, Hon’ble Supreme Court after referring its earlier decisions on the very issue, has concluded thus:-

“13.6. This Court has, on several occasions, deprecated the practice adopted by States of engaging employees under the nominal labels of “part-time”, “contractual” or “temporary” in perpetuity and thereby exploiting them by not regularizing their positions. In Jaggo v. Union of India¹⁰, this Court underscored that government departments must lead by example in ensuring fair and stable employment, and evolved the test of examining whether the duties performed by such temporary employees are integral to the day-to-day functioning of the organization.

13.7. In Shripal v. Nagar Nigam¹¹, and Vinod Kumar v. Union of India¹², this Court cautioned against a mechanical and blind reliance on Umadevi (supra) to deny regularization to temporary employees in the absence of statutory rules. It was held that Umadevi (supra) cannot be employed as a shield to legitimise exploitative engagements continued for years without undertaking regular recruitment. The Court further clarified that Umadevi itself draws a distinction between appointments that are “illegal” and those that are merely “irregular”, the latter being amenable to regularization upon fulfillment of the prescribed conditions.

13.8. In Dharam Singh v. State of U.P.¹³, this Court strongly deprecated the culture of “ad-hocism” adopted by States in their capacity as employers. The Court criticised 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.

13.9. The State must remain conscious that part-time employees, such as the appellants, constitute an integral part of the edifice upon which the machinery of the State continues to function. They are not merely ancillary to the system, but form essential components thereof. The equality mandate of our Constitution, therefore, requires that their service be reciprocated in a manner free from arbitrariness, ensuring that decisions of the State affecting the careers and livelihood of such part-time and contractual employees are guided by fairness and reason.

13.10. In the aforesaid backdrop, we are unable to persuade ourselves to accept the respondent-State’s contention that the mere contractual nomenclature of the appellants’ engagement denudes them of constitutional protection. The State, having availed of the appellants’ services on sanctioned posts for over a decade pursuant to a due process of selection and having consistently acknowledged their satisfactory performance, cannot, in the absence of cogent reasons or a speaking decision, abruptly discontinue such engagement by taking refuge behind formal contractual clauses. Such action is manifestly arbitrary, inconsistent with the obligation of the State to act as a model employer, and fails to withstand scrutiny under Article 14 of the Constitution.

FINAL CONCLUSION:

14. In light of our discussion, in the foregoing paragraphs, we summarize our conclusions as follows:

1. The respondent-State was not justified in continuing the appellants on sanctioned vacant posts for over a decade under the nomenclature of contractual engagement and thereafter denying them consideration for regularization.

II. Abrupt discontinuance of such long-standing engagement solely on the basis of contractual nomenclature, without either recording cogent reasons or passing a speaking order, is manifestly arbitrary and violative of Article 14 of the Constitution.

III. Contractual stipulations purporting to bar claims for regularization cannot override constitutional guarantees. Acceptance of contractual terms does not amount to waiver of fundamental rights, and contractual stipulations cannot immunize arbitrary State action from constitutional scrutiny.

IV. The State, as a model employer, cannot rely on contractual labels or mechanical application of Umadevi (supra) to justify prolonged ad-hocism or to discard long-serving employees in a manner inconsistent with fairness, dignity and constitutional governance.

V. In view of the foregoing discussion, we direct the respondent-State to forthwith regularize the services of all the appellants against the sanctioned posts to which they were initially appointed. The appellants shall be entitled to all consequential service benefits accruing from the date of this judgment .

11. Following the decision in the case of **Jaggo (Supra)**, Hon'ble Supreme Court in the case of **Shripal & Anr. Vs. Nagar Nigam, Ghaziabad** reported in **(2025) SCC OnLine SC 221** while considering the claim of regularization of the appellants therein had observed thus:-

“12. The evidence, including documentary material and undisputed facts, reveals that the Appellant Workmen performed duties integral to the Respondent Employer's municipal functions specifically the upkeep of parks, horticultural tasks, and city beautification efforts. Such work is evidently perennial rather than sporadic or project-based. Reliance on a general “ban on fresh recruitment” cannot be used to deny labor protections to long-serving workmen. On the contrary, the acknowledged shortage of Gardeners in the Ghaziabad Nagar Nigam reinforces the notion that these positions are essential and ongoing, not intermittent.

13. By requiring the same tasks (planting, pruning, general upkeep) from the Appellant Workmen as from regular Gardeners but still compensating them inadequately and inconsistently the Respondent Employer has effectively engaged in an unfair labour practice. The principle of “equal pay for equal work,” repeatedly emphasized by this Court, cannot be

casually disregarded when workers have served for extended periods in roles resembling those of permanent employees. Long-standing assignments under the Employer's direct supervision belie any notion that these were mere short-term casual engagements.

*15. It is manifest that the Appellant Workmen continuously rendered their services over several years, sometimes spanning more than a decade. Even if certain muster rolls were not produced in full, the Employer's failure to furnish such records—despite directions to do so—allows an adverse inference under well-established labour jurisprudence. Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfil ongoing municipal requirements year after year cannot be dismissed summarily as dispensable, particularly in the absence of a genuine contractor agreement. At this juncture, it would be appropriate to recall the broader critique of indefinite “temporary” employment practices as done by a recent judgment of this court in *Jaggo v. Union of India*³ in the following paragraphs:*

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:

- Misuse of “Temporary” Labels : Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as

“temporary” or “contractual,” even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

- **Arbitrary Termination** : Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

- **Lack of Career Progression** : Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

- **Using Outsourcing as a Shield** : Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

- **Denial of Basic Rights and Benefits** : Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.”

16. The High Court did acknowledge the Employer's inability to justify these abrupt terminations. Consequently, it ordered re-engagement on daily wages with some measure of parity in minimum pay. Regrettably, this only perpetuated precariousness : the Appellant Workmen were left in a marginally improved yet still uncertain status. While the High Court recognized the importance of their work and hinted at eventual regularization, it failed to afford them continuity of service or meaningful back wages commensurate with the degree of statutory violation evident on record.

17. In light of these considerations, the Employer's discontinuation of the Appellant Workmen stands in violation of the most basic labour law principles. Once it is established that their services were terminated without adhering to Sections 6E and 6N of the U.P. Industrial Disputes Act, 1947, and that they were engaged in essential, perennial duties, these

workers cannot be relegated to perpetual uncertainty. While concerns of municipal budget and compliance with recruitment rules merit consideration, such concerns do not absolve the Employer of statutory obligations or negate equitable entitlements. Indeed, bureaucratic limitations cannot trump the legitimate rights of workmen who have served continuously in de facto regular roles for an extended period.

18. The impugned order of the High Court, to the extent they confine the Appellant Workmen to future daily-wage engagement without continuity or meaningful back wages, is hereby set aside with the following directions:

I. The discontinuation of the Appellant Workmen's services, effected without compliance with Section 6E and Section 6N of the U.P. Industrial Disputes Act, 1947, is declared illegal. All orders or communications terminating their services are quashed. In consequence, the Appellant Workmen shall be treated as continuing in service from the date of their termination, for all purposes, including seniority and continuity in service.

II. The Respondent Employer shall reinstate the Appellant Workmen in their respective posts (or posts akin to the duties they previously performed) within four weeks from the date of this judgment. Their entire period of absence (from the date of termination until actual reinstatement) shall be counted for continuity of service and all consequential benefits, such as seniority and eligibility for promotions, if any.

III. Considering the length of service, the Appellant Workmen shall be entitled to 50% of the back wages from the date of their discontinuation until their actual reinstatement. The Respondent Employer shall clear the aforesaid dues within three months from the date of their reinstatement.

IV. The Respondent Employer is directed to initiate a fair and transparent process for regularizing the Appellant Workmen within six months from the date of reinstatement, duly considering the fact that they have performed perennial municipal duties akin to permanent posts. In assessing regularization, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never applied to the Appellant Workmen or to similarly situated regular employees in the past. To the extent that sanctioned vacancies for such duties exist or are required, the Respondent Employer shall expedite all necessary administrative processes to ensure these longtime employees are not indefinitely retained on daily wages contrary to statutory and equitable norms."

12. On due consideration of the submission of counsel for the respective parties, facts and circumstances of the case, nature of grievance raised by the petitioner, period of service which the petitioner has completed i.e. 30 years as daily-wage and that the other employees i.e. Naresh Kumar Patel and Navin Kumar Mehta have been regularized in service vide order dated 18.09.2024, this writ petition at this stage is disposed of directing the Respondents No. 3 to 4 to consider and take decision on the claim of petitioner in accordance with law, expeditiously, keeping in mind the order of regularization of Naresh Kumar Patel and Navin Kumar Mehta dated 18.09.2024 preferably within a period of 03 months from the date of receipt of order.

13. With the aforesaid observation and direction, this writ petition stands **disposed of**.

Sd/-
(Parth Prateem Sahu)
Judge

Dey