



2026:CGHC:12585

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 12859 of 2025

Jay Singh S/o Shri Karpu Singh Aged About 46 Years Working As Watchman
At Adivasi Kanya Aashram, Daldali, District - Kabirdham C.G., R/o Bhursi
Pakri, Daldali, Kabirdham, District Kabirdham C.G.

... Petitioner

versus

1 - State Of Chhattisgarh Through The Secretary, Department, Backward
Classess And Minorities Development, And Scheduled Caste Development,
Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur C.G.

2 - The Commissioner, Tribal And Scheduled Caste Development, Indrawati
Bhawan, New Raipur C.G.

3 - The Collector Kabirdham C.G.

4 - The Assistant Commissioner, Tribal Welfare, Kawardha, District-
Kabirdham C.G.

5 - The Superintendent, Adivasi Kanya Aashram Daldali, Block- Bodla,
District- Kabirdham C.G.

... Respondents

For Petitioner	:	Ms. Karuna Masih, Advocate appears along with Ms. Kamtanath, Advocate
For State	:	Ms. Apoorva Nigam, Panel Lawyer

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

Order on Board

16.03.2026

1. Petitioners have filed this writ petition seeking following reliefs:-

‘10.1The Hon’ble Court may kindly be pleased to call for the entire records pertaining to this case from possession of the respondents for its kind perusal;

10.2 The Hon’ble Court may kindly be pleased to issue a suitable writ, order or direction commanding the respondents to regularize the services of the petitioner by treating him as permanent employee in light of the provision given in Works-charged and Contingency Paid Employees Recruitment and Condition of Service Rules 1975 with all consequential benefits;

10.3 Any other relief, which this Hon’ble Court may deem fit and proper, may also be passed in favour of the petitioner.”

2. Learned Counsel for the petitioner submits that petitioner is engaged as watchmen at Adivasi Kanya Aashram, Daldali, District- Kabirdham (C.G.) pursuant to order dated 27.08.1998. Petitioner joined service on 04.09.1998 and since then he is continuously working. Petitioner has made several oral request for regularization of his service, however, no heed has been given to his request. Therefore, this writ petition is filed.

3. Learned counsel for State submits that she may be granted some time to file reply to this writ petition.
4. I have heard learned counsel for the parties and perused the documents available on record.
5. The pleadings made in this writ petition is that petitioner pursuant to order dated 27.08.1998 was appointed as watchmen at Aadivasi Kanya Aashram, Daldali, District- Kabirdham (C.G.). He joined the post of watchmen on 04.09.1998 and since about 27 years he is continuously working.
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. For the aforementioned facts of the case as also considering the decision of Hon’ble Supreme Court in the aforementioned cases on regularization of service of daily wage employee or temporary employee, I find it appropriate to dispose of this writ petition at this stage permitting the petitioner to submit fresh comprehensive representation before the respondent No. 2, 4 and 5, and if, such a representation is submitted, the concerned authority shall consider and take decision on the claim of petitioner for regularization on the representation to be submitted by petitioner, in accordance with law expeditiously, preferably within a further period of 04 months from the date of receipt of representation, keeping in mind the decision of Hon’ble Supreme Court as mentioned above.
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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