



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO.104676 OF 2023 (S-KAT)

BETWEEN:

SRI SATISH MANGESH CHANDAVAR
S/O. LATE MANGESH CHANDAVAR,
AGED ABOUT 63 YEARS,
RETD. AS GRADUATE LITERATE ASSISTANT
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS,
SIRSI DIVISION, SIRSI, U.K. DISTRICT,
R/A. ANEHUNDA FIRE WOOD DEPOT ROAD
NEAR ZOO CIRCLE, SIRSI-581401, U.K. DISTRICT.

...PETITIONER

(BY SRI RANGANATHA S. JOIS, ADVOCATE [THROUGH VC])

AND:

1. THE STATE OF KARNATAKA,
BY ITS ADDL. CHIEF SECRETARY,
DEPARTMENT OF FOREST ECOLOGY
AND ENVIRONMENT, M.S. BUILDING,
BENGALURU-560001.
2. THE PRINCIPAL CHIEF CONSERVATOR OF
FORESTS (RESOURCE MANAGEMENT)
ARANYA BHAVAN, MALLESHWARAM,
BENGALURU-560 003.

Digitally signed by
VIJAYALAKSHMI M
KANKUPPI

Location: HIGH
COURT OF
KARNATAKA



3. THE CONSERVATOR OF FOREST
CANARA CIRCLE, SIRSI-581 401,
UTTAR KANNADA DISTRICT.
4. THE DEPUTY CONSERVATOR OF FORESTS,
SIRSI DIVISION, SIRSI-581 401,
UTTAR KANNADA DISTRICT.

...RESPONDENTS

(BY SRI SHARAD V.MAGADUM, ADDL. GOVT. ADVOCATE
FOR R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS, RELATING TO THE IMPUGNED ORDER OF THE KARNATAKA STATE ADMINISTRATIVE KSAT BELAGAVI DATED 03.09.2022, MADE IN A.NO.10944 AND 10955/2021, VIDE ANNEXURE-A, PERUSE THE SAME AND SET ASIDE THE SAID ORDER AND ALSO ALLOW THE APPLICATION FILED BY THE PETITIONER IN A.NO.10944 AND 10955/2021 BEFORE THE KARNATAKA STATE ADMINISTRATIVE KSAT BELAGAVI AND BY GRANTING THE RELIEFS SOUGHT FOR, IN THE KSAT AND ALL OTHER CONSEQUENTIAL BENEFITS ALONG WITH 8% INTEREST; PASS SUCH OTHER ORDER OR ORDERS AS DEEMED FIT AND PROPER CONSIDERING THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS WRIT PETITION, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL ORDER

(PER: HON'BLE MRS JUSTICE GEETHA K.B.)

1. This petition is filed under Articles 226 and 227 of the Constitution of India praying for setting aside the impugned order dated 03.09.2022 passed in Application No.10944 and 10955/2021 vide Annexure-A, on the file of Karnataka State Administrative Tribunal, Belagavi [**KSAT**] with other consequential benefits along with 8% interest and for such other reliefs.

2. The contention of petitioner is that:

2.1. The petitioner was appointed as a Daily Wage Literate Assistant in the office of the Deputy Range Forest Officer, Sirsi, on 26.11.1983, and has continued in service since then.

2.2. On 06.08.1990, the petitioner became entitled for regularisation of his services, as he had worked continuously for more than 240 days in each year,



after completion of 10 years of service having been appointed prior to 01.07.1984.

- 2.3. On 24.05.1996, petitioner was brought under the Monthly Rated Establishment [**MRE**], having worked continuously for 240 days in each year as a daily wage employee. The petitioner's name was shortlisted for regularisation on 06.07.1996. However, only the MRE status was regularised, and not his service.
- 2.4. On 26.07.1996, similarly situated persons were regularised, when the petitioner was also brought under MRE.
- 2.5. Subsequently, on 07.08.1996, petitioner was recommended by Respondent No.4 for regularisation of his services, considering his good conduct and working capacity.
- 2.6. On 27.02.2020, the petitioner, along with others, approached the KSAT in Application No.4091-4094/2018, which was disposed of with a direction to consider their claim for pay scale.



- 2.7. On 26.08.2020, similarly situated persons approached the KSAT, Principal Bench, Bengaluru, and their applications for regularisation of service were allowed.
- 2.8. The petitioner thereafter filed the application before his Department – Department of Forest, Ecology and Environment, however, an endorsement dated 7.08.2021 was issued rejecting his claim for pay scale.
- 2.9. Aggrieved by the said endorsement, the petitioner approached the KSAT at Belagavi Bench in Application No.10944 and 10955 of 2021, but the said application was dismissed. Hence, the petitioner is before this Court.
3. The learned Additional Government Advocate took notice of the petition and orally objected to the petition.
4. The KSAT has dismissed the petitioner's application on the ground that he was extended the benefits under the Karnataka Daily Wage Employees' Welfare Act, 2012 (**'the Act of 2012'**), and



that his salary had been fixed under the said enactment. It was further held that merely because some subordinates of the petitioner were regularised, his case could not be considered. The KSAT also held that the petitioner was not entitled for regularisation in view of the judgment in **Secretary, State of Karnataka v. Umadevi**¹.

5. Learned Additional Government Advocate relied upon the judgment of Co-ordinate Bench of this Court in the case of **Sri.Rakesh Rahidas Prabhu and Another Vs.The State of Karnataka and Others**², wherein the petitioner therein, was granted the benefit under the Act of 2012 and hence held that he was not entitled to regularization and dismissed the petition.

6. The said judgment is not applicable to the facts of the present case, as the petitioners therein were appointed on 02.02.1993 and 04.08.1993 respectively; however, the petitioner in the present case was appointed on 26.11.1983, i.e., prior to the cut-off date contemplated in **Dharwad District P.W.D., Literate Daily Wage Employees Association and others Vs. State of**

¹ (2006) 4 SCC 1

² W.P.No.105040 of 2022 (S-KAT), disposed of on 01.07.2024



Karnataka and others³. The interpretation of ***Umadevi's*** case cited *supra* by the Tribunal is erroneous.

7. The petitioner is appointed by the 4th respondent - Deputy Conservator of Forest, Sirsi Division, Sirsi. Several cases of regularisation of employees who had been appointed and working on daily wage basis became the subject matter of the proceedings before the Hon'ble Apex Court in the case of ***Dharwad District P.W.D., Literate Daily Wage Employees Association*** (cited *supra*). Pursuant to the order passed by the Apex Court, the State Government has issued a Circular on 6th August 1990 directing regularisation of the employees, who were on NMR basis or any other form of daily wage. The cutoff date in the said Government Order was 01.07.1984.

8. Further, recently the Hon'ble Supreme Court, in the case of ***Daram Singh and Ors. Vs. State of U.P. and Another***⁴, has reiterated the relevant principles governing regularisation. Paragraph 11 of the same is extracted hereunder:

³ (1990)2 SCC 369

⁴ Civil Appeal No.8558 of 2018, disposed of on 19.08.2024



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11. Furthermore, it must be clarified that the reliance placed by the High Court on **Umadevi (Supra)** to non-suit the appellants is misplaced. Unlike **Umadevi (Supra)**, the challenge before us is not an invitation to bypass the constitutional scheme of public employment. It is a challenge to the State's arbitrary refusals to sanction posts despite the employer's own acknowledgement of need and decades of continuous reliance on the very workforce. On the other hand, **Umadevi (Supra)** draws a distinction between illegal appointments and irregular engagements and does not endorse the perpetuation of precarious employment where the work itself is permanent and the State has failed, for years, to put its house in order. Recent decisions of this Court in **Jaggo v. Union of India** and in **Shripal & Another v. Nagar Nigam, Ghaziabad** have emphatically cautioned that **Umadevi (Supra)** cannot be deployed 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. The principles articulated therein apply with full force to the present case. The relevant paras from **Shripal (supra)** have been reproduced hereunder:

"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 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.

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 fulfill 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* 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.”

9. In the aforesaid judgment, the Hon’ble Supreme Court referred to its recent judgments in the case of ***Jaggo Vs. Union of India***⁵ and ***Shripal & Another Vs. Nagar Nigam, Ghaziabad***⁶.

⁵ 2024 SCC OnLine SC 3826

⁶ 2025 SCC OnLine SC 221



10. Learned counsel for the petitioner relied upon the judgment of the Coordinate Bench of this Court in the case of ***Sri P. Junjappa Vs. The Principal Chief Conservator of Forests and Others***⁷, wherein at paragraphs 26 and 27, it is held as under:

“26. We have given our anxious consideration to the submissions of both the side. Perused the record. The fundamental issue raised for adjudication in the present writ petition pertains to the alleged denial of pensionary benefits to the respondents, despite the fact that such benefits have been extended to other employees who are similarly placed in terms of employment and service conditions. Therefore, the core question, that emerges for consideration is, "whether this differential treatment meted out to the respondents amounts to violation of their constitutional rights enshrined under Articles 14, 16 and 39D of the Constitution of India. Article 14 of the Constitution, mandates that, the State shall not deny any person equality before the law or the equal protection of the laws. This constitutional provision ensures that, no individual or group of individuals is subjected to arbitrary discrimination by the State. The Doctrine of Equality embedded in Article 14 extends to employment related matters and prohibits any unreasonable classification among individuals who are similarly placed. Further, Article 16 reinforces, this principle by guaranteeing equal opportunity in matters relating to public employment and prohibiting discrimination on unreasonable grounds. The act of granting pensionary benefits to certain employees while simultaneously denying the same to the respondents, who are identically situated, constitutes an instance of hostile discrimination. Such a discriminatory treatment is impermissible under the constitutional scheme and violates the fundamental rights of the respondents. The Hon'ble

⁷ W.P.No.6238/2020 C/w. W.P.No.48123/2019 (S-KAT), disposed of on 17.03.2025



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Apex Court in **State of Uttar Pradesh v. Arvind Kumar Srivastava**, reported in **(2015) 1 SCC 347**, has categorically held that, if a particular benefit is extended to one set of employees, the same cannot be denied to another set of employees who are similarly placed unless a reasonable and rationale classification is established. In the instant case, the State Government has failed to demonstrate any distinguishing factor or valid reason justifying the denial of pensionary benefits to the respondents while granting the same to their counter parts. This lack of justification renders the State's action, arbitrary and discriminatory violating the fundamental rights of the respondents under the Constitution.

27. In addition to this, Article 39D of Constitution, which is a part of the directive principles of State Policy enshrines the principle of "Equal Pay for Equal Work". This principle has been consistently upheld by the judiciary in various judgments. In **State of Punjab and Others v. Jagjit Singh and Others**, reported in **(2017) 1 SCC 148**, the Hon'ble Apex Court reaffirmed that artificial classification which deny equal benefits to employees performing the same work cannot withstand constitutional scrutiny. The respondents, having performed duties similar to those of their colleagues who have been granted pensionary benefits, cannot be arbitrarily excluded from receiving the same. The Doctrine of 'Equal pay for equal work' applies in full force to the present case and denial of pensionary benefits to the respondents is indirect contravention of this well-established constitutional principle. More so, the doctrine of legitimate expectation as expounded by the Hon'ble Apex Court in **Union of India and Others v. Hindustan Development Corpn. and Others**, reported in **(1993) 3 SCC 499**, is also relevant to the facts of the present case. The respondents having served under identical conditions and for an equivalent period as their counterparts who have been granted pensionary benefits reasonably expect that, the same treatment



would be extended to them. The State's failure to fulfill this legitimate expectation amounts to administrative arbitrariness and unfair treatment. Such arbitrary actions undermine the principles of good governance and transparency that the State as a model employer is expected to uphold.”

11. Learned counsel further relied upon the decision of the Coordinate Bench of this Court in the case of **Sri. N. Ashok Vs. The State of Karnataka and Others**⁸, wherein at paragraphs 11 and 12, it is held as under:

“Analysis and Findings:

11. The Hon'ble Supreme Court in various decisions has categorically held that, in such circumstances, employees who have completed 10 years of service in sanctioned post prior to the pronouncement of **Umadevi** supra, are entitled for regularization. In this regard the decision in **M.L.Kesari** and **Jaggo** (supra) are relied upon. In **M.L.Kesari**, the Apex Court clarified as under:

'those who rendered over ten years of service in sanctioned post should not be deprived of regularization merely due to the procedural delays on the part of the authority'.

The said clarification is taken assistance by this Court in WP Nos.6238/2020 clubbed with WP No.49123/2019 vide judgment dated 17.3.2025.

12. In this case, it is a specific plea of the petitioner that, he was in continuous service in Forest Department as daily wager and he

⁸ W.P.No.3552/2024(S-KSAT), disposed of on 20.03.2025



worked on par with regular employees. He has been engaged in said services right from the date of his initial entry. This fact so asserted by the petitioner is not denied by any of the respondents. The KSAT has not appreciated this plea of the petitioner and non-appreciation of this continuous service of more than 30 years definitely and squarely falls within the protective ambit of the principles laid down in the aforesaid decisions.”

12. In the present case, the KSAT erred in dismissing the application and denying service benefits to the petitioner, despite his continuous engagement by the Government. Merely because the petitioner was extended benefits under the Act of 2012, he cannot be deprived of his right to seek regularisation, particularly when his case was covered under ***Dharwad District P.W.D. Literate Daily Wage Employees Association and others*** (cited supra), having been appointed in the office of respondent Nos.3 and 4 prior to the cut-off date of 01.07.1984, i.e., petitioner being appointed on 26.11.1983. Therefore, the petitioner is entitled to the same treatment that is meted out to all the employees who were appointed prior to 01.07.1984 in terms of the Government Orders issued from time to time, which were issued pursuant to the judgment of the Apex Court in the ***Dharwad District P.W.D. Literate Daily Wage Employees Association and others*** (cited



supra). Therefore, the petition succeeds and the petitioner is entitled to the reliefs sought. The impugned orders are liable to be set aside.

13. Accordingly, we proceed to pass the following:

ORDER

- i. The writ petition is **allowed**.
- ii. The impugned endorsement bearing No.B1/Shbbbandhi/Kshe.Di. Now Ethare/CR/2020-21/74 dated 20.04.2020 vide Annexure-A6 issued by 4th respondent and impugned endorsement bearing No.AaPaJi 76 AaASe 2019 dated 07.08.2021 vide Annexure-A10 issued by 1st respondent are hereby quashed.
- iii. The order of the Karnataka State Administrative Tribunal (KSAT), Belagavi, in Application No.10944 & 10955 of 2021 is hereby set aside. Consequently, Application No.10944 & 10955 of 2021 are allowed.



iv. The services of petitioner shall be considered for regularization in terms of the government order dated 6.08.1990 at Annexure-A2.

v. The entire process of consideration and regularization shall be completed within a period of three (3) months from the date of receipt of certified copy of this order.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(GEETHA K.B.)
JUDGE**

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