



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20539 of 2019

***Pranab Kumar Samal &
Others***

.... ***Petitioners***

Mr. M.K. Khuntia, Advocate

-versus-

Union of India & Others

.... ***Opp. Parties***

Mr. P.K. Parhi, D.S.G.I

along with Mr. A. Mohanty, C.G.C

CORAM:

JUSTICE KRISHNA SHRIPAD DIXIT

JUSTICE CHITTARANJAN DASH

ORDER

24.03.2026

Order No.

17. By means of this application, the Petitioners calls in question the legality and propriety of the order dated 02.01.2019 passed by the Central Administrative Tribunal in T.A. No.260/6/2013 and order dated 26.8.2019 in R.A.No.7 of 2019 under Annexures-3 & 7 respectively.

2. The brief facts giving rise to the present application are that the Petitioners were engaged as Casual Helpers at the Lower Power T.V. Relay Centre, Kamakhyanagar, on different dates Petitioner No.1 on 17.05.1995, Petitioner No.2 on 20.01.1995, and Petitioner No.3 on 01.01.1995. They continued in such engagement for long years under the administrative control of Doordarshan. On 28.07.2009, Opposite Party No.5 addressed a communication to Opposite Party No.1 requesting that temporary status be granted to the casual employees, including the Petitioners. In the meantime, similarly situated employees approached the Central Administrative Tribunal in T.A. No. 34



of 2009 and a batch of connected cases, seeking regularisation of their services. On 12.03.2018, the Tribunal disposed of those matters with a direction to regularise the services of the applicants from the date of their initial engagement with all financial and consequential benefits. The Petitioners also approached this Court on 02.01.2019 in W.P.(C) No. 15552 of 2005 with a prayer for regularisation. The said writ petition was transferred to the Tribunal and renumbered as T.A. No. 6 of 2013. The Tribunal, however, dismissed their case on the ground that they were under contractual engagement and that the relay centres were to be closed, necessitating disengagement of contractual employees. Thereafter, on 28.01.2019, a termination Notice was issued to the Petitioners. Aggrieved, the Petitioners filed a Review Petition, RVWPET No. 7 of 2019, on 26.02.2019, in which notice was issued and an interim direction was passed to maintain status quo regarding their engagement. The said Review Petition was ultimately dismissed on 26.08.2019. Subsequently, similarly situated employees whose cases had been allowed in T.A. No. 34 of 2009 were regularised on 20.03.2023 in compliance with the Tribunal's earlier directions. It is in this backdrop, the Petitioners claim that despite being similarly situated to persons such as Pradipta Kumar Dash, Bijay Kumar Majhi and Ashok Kumar Dash, that the present Petitioners were not regularised and have hence approached this Court through the current application.

3. Mr. Khuntia, learned counsel for the Petitioners, inter alia, submitted that the Tribunal has travelled beyond the settled position of law in holding that the Petitioners, being in



contractual service, are not entitled to regularisation. He contended that the Petitioners were not accorded temporary status at par with other similarly situated candidates, despite the recommendation made by the competent authority vide letter dated 28.07.2009 issued by the Chief Engineer (East Zone), Akashvani Bhawan, Eden Gardens, Kolkata under Annexure-2, wherein the names of the Petitioners appear along with others who have since been extended the benefit of regularisation. He further submitted that the Petitioners have been deprived of their legitimate claim for regularisation, notwithstanding their long and continuous engagement in the establishment of the Opposite Party against work of a perennial nature, thereby subjecting them to discrimination. It was also contended that the Tribunal failed to appreciate the fact leading to the nature of job entrusted to the Petitioners, and the continuity of their services for decades and arrived at an erroneous conclusion simply on the ground that they are not entitled to the regularisation merely on the ground that they have continuously served the organisation.

4. The learned AGA, traversing the contentions raised by learned counsel for the Petitioners, submitted that the Petitioners were engaged as part-time contractual workers and were never appointed through a regular process against any sanctioned vacancy. He further submitted that the status of the employees, who are alleged to be similarly situated to the Petitioners, is not comparable, and therefore, the Tribunal has rightly declined to grant the relief as prayed for by the Petitioners.

5. In ***Jaggo vs. Union of India & Others***, 2024 SCC OnLine SC 3826, the Hon'ble Supreme Court, relying on the earlier



precedents including *Secretary, State of Karnataka vs. Umadevi*, (2006) 4 SCC 1 and *State of Karnataka vs. M.L. Kesari*, (2010) 9 SCC 247, disposing similar matters as of this case, has held as follows:

“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.”

6. As submitted by learned counsel for the Petitioners, the Authority, vide letter dated 28.07.2009, upon duly appreciating the nature of work entrusted to the Petitioners, recommended grant of temporary status to them along with other similarly placed casual employees. There is, however, no material either before the Tribunal or before this Court to establish that the Petitioners were engaged through a due process or against sanctioned vacancies. The contention that the work against which the Petitioners were engaged was subsequently no longer required by the Respondents appears to be a device to deprive the Petitioners of their legitimate claim under law, particularly in view of their long years of service in the establishment.

7. As held in *Jaggo* (supra), the Petitioners therein, who were similarly placed contractual employees, were also terminated upon failure to obtain relief before the Tribunal. The factual matrix of the present case being substantially identical, this Court finds that the Tribunal has failed to apply the settled principles governing such claims and has thereby fallen into manifest error in denying the Petitioners the benefit of regularisation. The impugned findings, being inconsistent with both the factual position on record and the law laid down by the Hon'ble Supreme Court, cannot be sustained and are accordingly set aside.

8. In view of the above, and having regard to the admitted position that the Petitioners stand on the same footing as their counterparts whose names find place in the communication dated



28.07.2009, this Court holds that the Petitioners are entitled to regularisation in terms of the principles enunciated in ***Jaggo*** (supra), with effect from their respective dates of initial engagement.

9. Accordingly, the Respondents are directed to take all consequential steps and pass appropriate orders within a period of eight weeks from the date of receipt of this order, granting regularisation to the Petitioners from the date of their initial engagement, along with all attendant service and financial benefits, strictly in accordance with the applicable rules, including those relating to conferment of temporary status and consequential regularisation.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge

Priyanka