

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 912/2022

1.

The State Of Rajasthan, Through The Principal Secretary To The Government, Social Justice And Empowerment Department, Government Of Rajasthan, Secretariat, Jaipur
2.

The Commissioner, Social Justice And Empowerment Department, Rajasthan, Ambedkar Bhawan, Behind Raj Mahal Palace Hotel, Jaipur.
3.

The Assistant Director, Social Justice And Empowerment Department, Government Ambedkar Hostel-II Dausa.

----Appellants

Versus

Chet Ram Meena Son Of Shri Kajod Mal Meena, Aged About 51 Years, Resident Of Village Bas Biwai, Post Biwai, Tehsil Baswa, District Dausa, Working As Full Time Cook In Government Ambedkar Hostel II, Dausa

-----Respondent

For Appellant(s)

:

Ms. Divya Rathore with
Ms. Anjali Ranga (for State)

For Respondent(s)

:

Mr. Punit Singhvi with
Mr. Ayush Singh,
Mr. Ajay S. Rathore,
Ms. Suhani Singh,
Mr. Ishan Verma &
Mr. Naman Dadhich

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

24/03/2026

1.

The issue raised in the present appeal stands adjudicated by this Court in D.B. Special Appeal (Writ) No. 371/2023: **Kanaram vs. State of Rajasthan & ors.** decided on 27.01.2026, wherein

this Court after considering the law as laid down from time to time by the Hon'ble Apex Court reach to the conclusion as under:

"5.14. In the present case, the writ petitioners were engaged pursuant to an advertisement on the posts of Cook/Chowkidar in Government Ambedkar Hostels. The duties discharged by them are indeed essential and perennial in nature, and therefore, their services cannot be treated as dispensable.

5.16. It is also worth mentioning that the services rendered by the writ petitioners have been entirely blemish-free. No complaint has ever been made against them. On the contrary, appreciation letters have been issued by the Superintendents of the respective hostels acknowledging them as non-contractual employes with their uninterrupted service over decades (Annexure-2 to the writ petition).

5.17. Despite of all this, non-consideration of these employees for regularization by the respondent Department reflects a perpetuation of temporary status for work of a perennial nature, thereby attracting judicial scrutiny and warranting intervention of this Court. This Court cannot lose sight of the principles emerging from Uma Devi(Supra) and subsequent decisions of the Hon'ble Supreme Court which reflect a clear intention to safe guard employees from exploitation. Individuals cannot be left to serve indefinitely on daily wage, contractual, work-charged or part time posts without fair opportunity for regularization. Service jurisprudence also recognizes something more fundamental, that the state cannot be allowed to profit from its own inaction when an institution extracts work for decades and then pleads that there are no sanctioned posts or they are not directly engaged by them. Therefore, a welfare state cannot run core public function on the spine of these contractual workers and then wash its hands by pointing to absence of sanctioned posts.

6. *In light of the law laid down by the Hon'ble Supreme Court in the aforementioned cases, the judgment passed in S.B. Civil Writ Petition No. 10257/2019 cannot be sustained and deserves to be quashed and set aside. The writ petitioners are entitled to regularization on the posts of Cook/Chowkidar to which they were initially appointed.*

6.1. *Consequently, the present Special Appeal Writ is allowed and the Respondent Departments are directed:*

- i. To regularize the services of the appellant after completion of 10 years from the date of his initial appointment. The pay fixations shall be done notionally and actual payment shall be made from the date of filing of the writ petition.*
- ii. that the above exercise shall be completed by the respondent departments within a period of three months from the date of receipt of the certified copy of this judgment."*

2. The original writ petitioner-respondent submits that he had preferred earlier writ petition in the year 1998 claiming regularization.

3. We dispose of this present special appeal and direct the appellants to regularize the service of the respondent in the same terms as above.

4. The notional benefits would be available to the writ petitioner from the date of initial appointment upto July, 1997. The writ petitioner would be allowed actual monetary benefits thereafter.

5. The special appeal is disposed of accordingly.

6. All pending applications also stand disposed of.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ