2025:PHHC:179510

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP-31304-2025

JOGINDER

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

2. CWP-28287-2025

BHARPAL AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

3. CWP-33520-2025

SATYAWAN AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

4. CWP-28081-2023

SURENDER KUMAR

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

5. CWP-25075-2025

PALA RAM @ PALE RAM

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

6. **CWP-12395-2025**

USHA DEVI

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

7. **CWP-26966-2025**

RAMPHAL

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

8. **CWP-21794-2024**

SURINDER SINGH

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

9. **CWP-22786-2022**

HAWA SINGH

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

10. **CWP-23616-2018**

VEER SINGH

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

11. **CWP-8377-2025**

HANS RAJ AND ANOTHER

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

12. **CWP-11286-2021**

VIJAY SINGH

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

13. **CWP-5451-2021**

SATISH KUMAR

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

14. **CWP-15687-2025**

KRISHAN KUMAR AND ANOTHER

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

15. **CWP-15398-2019**

JIVAN DASS AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

16. CWP-36238-2025

JAGDISH AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

17. CWP-11139-2025

SAROJ RANI @ SAROJ DEVI

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENT(S)

18. CWP-12592-2024

PUSHPA RANI

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

19. CWP-25707-2025

BUDHI

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

20. CWP-27026-2025

SURESH KUMAR

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

21. **CWP-29354-2025**

RAMPHAL @ RAMPHAL SINGH & OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

22. **CWP-34878-2025**

VEENA

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

23. **CWP-27670-2025**

AKHTAR @ AKHTAR ALI

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

24. **CWP-27192-2025**

BABRU BHAN

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

25. **CWP-32355-2019**

JEEVANI DEVI

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

26. CWP-27602-2025

SUBHRAM

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

27. CWP-34071-2024

PREMWATI

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

28. CWP-5702-2025

MANJU SHARMA

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

29. CWP-31656-2025

VIJENDER

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

30. CWP-1945-2025

ISHWAR

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

31. CWP-26232-2025

MURTI DEVI & OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

32. CWP-19223-2025

DHANWANTI

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

33. CWP-18594-2024

ISSAR AND ANOTHER

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

34. CWP-7694-2021

MUKESH KUMAR AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

35. CWP-4403-2021

SHISH PAL AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

36. **CWP-23732-2021**

SATISH KUMAR AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

37. **CWP-29939-2024**

SITA RAM

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

38. **CWP-5053-2021**

DHANI RAM AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

39. **CWP-22391-2025**

OM PARKASH

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

40. **CWP-22204-2025**

RAM PHAL

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

41. **CWP-9690-2022**

BANARSI AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT(S)

1.	The date when the judgment is reserved	19.12.2025
2.	The date when the judgment is pronounced	31.12.2025
3.	The date when the judgment is uploaded	31.12.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Not applicable

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ravinder Malik, Sr. Advocate with
Mr. Aman Nain, Advocate and
Mr. Rishab Arora, Advocate
Mr. Shalender Mohan, Advocate
Mr. K.S. Khehar, Advocate
Mr. Vikas Chatrath, Sr. Advocate with
Mr. Arnirudh Malhar, Advocate and
Ms. Haridhi Aggarwal, Advocate and
Mr. Preet Agroa, Advocate and
Ms. Navdita Rathore, Advocate
Mr. Tarurag Gaur, Advocate
Ms. Harmanjeet Kaur, Advocate for
Mr. R.S. Mamli, Advocate,
Mr. Jawahar Lal Goyal, Advocate and
Mr. Parth Goyal, Advocate
Mr. Nitin Katoria, Advocate
Mr. Ajay Chaudhary, Advocate
Mr. Raman B. Garg, Advocate with
Mr. Mayank Garg, Advocate with
Mr. Navdeep Singh, Advocate
Mr. Jai Shree Kaushik, Advocate
Mr. Shrey Goel, Advocate
Mr. R.S. Nain, Advocate

Mr. Sandeep Thakur, Advocate
Mr. G.S. Dhaliwal, Advocate
Mr. D.S. Nain, Advocate and
Mr. Satpal Nain, Advocate
Mr. B.S. Beniwal, Advocate
Mr. Deepak Sonak, Advocate with
Mr. Raman Sharma, Advocate
Mr. Vinod Bhardwaj, Advocate and
Mr. Nipun Bhardwaj, Advocate
Mr. Deepak Grover, Advocate
Mr. Sandeep Sharma, Advocate with
Mr. Rohan Moudgil, Advocate and
Ms. Maninee, Advocate
Mr. Sanjeev Sheoran, Advocate
Mr. Suvir Sidher, Advocate with
Mr. Harlove Rajput, Advocate and Mr. Manjot Bhullar, Advocate
Mr. J.S. Maanipur, Advocate and
Ms. Harpreet Kaur, Advocate
Mr. L.K. Gollen, Advocate and
Ms. Bharti Gollen, Advocate
Mr. Himanshu Bansal, Advocate and
Ms. Jasleen Kaur, Advocate
Mr. Mohit Garg, Advocate
Mr. Ashok K. Sharma, Advocate and
Ms. Suman Sharma, Advocate,
Mr. Sandeep Sharma, Advocate with
Mr. Rohan Moudgil, Advocate and
Ms. Maninee, Advocate for the petitioner(s)
Mr. Deepak Balyan, Addl. AG. Haryana
Ms. Mayuri Lakhanpal Kalia, DAG Haryana
Mr. R.D. Sharma, DAG Haryana

Mr. Jagdeep Singh, Advocate for
Mr. Rajnikant Upadhyay, Advocate
for respondent Nos.4 and 6

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SANDEEP MOUDGIL, J (ORAL)

1. Vide this common order, this Court intends to dispose off all the above-said petitions together as common question of law is involved therein. Just to avoid repitition, the facts are being taken from ***CWP-31304-2025 titled as "Joginder Singh vs. State of Haryana and others"***

Prayer

2. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of *certiorari*, *mandamus* or in any other nature thereby directing the respondents to regularize the services of the petitioner in view of the regularization policy of the Haryana Government and further to pay the consequential benefits to the petitioner from due date.

Brief facts of the case:-

3. The petitioner was engaged by the respondent department as a daily wage worker in the year 1994. From the date of his initial engagement, the petitioner continued to work with the respondent/department on the post of Water Pump Operator/Tube-well Pump Operator and the work and conduct of the petitioner remain satisfactory throughout his service.

4. The Government of Haryana, from time to time, issued various policies for regularization of services of casual and daily wage employees, including policies dated 27.05.1993, 07.03.1996, 18.03.1996, 01.10.2003 and 18.06.2014. These policies prescribed eligibility conditions relating to length of service, continuity of service, nature of appointment, availability of sanctioned posts and other requirements for regularization.

5. The petitioner continued to remain engaged as a daily wager and his services were not regularized under any of the aforesaid policies. From time to time, the services of certain other daily wage employees working in the department were regularized under the applicable policies. However, the petitioner's case for regularization was not considered by the respondent/department even after the petitioner approached them several times.

6. Ultimately, the petitioner submitted a representation dated 19.09.2025 (Annexure P-7) to the respondent department seeking regularization of his services in terms of the regularization policies of the State Government. No final decision was communicated to him on the said representation.

7. Aggrieved by the non-regularization of his services and the inaction on his representation, the petitioner approached this Court by way of the present writ petition.

Contentions

On behalf of the petitioner

8. Learned counsel for the petitioner submits that the petitioner has been serving the respondent department as a daily wage worker since the year 1996 and has rendered long years of service. The petitioner has continued to work with the department for a substantial period and has discharged his duties to the satisfaction of the authorities. Learned counsel submits that the petitioner fulfills the essential requirement of long duration of service and was in engagement with the respondent department well before the cut-off dates prescribed under the relevant regularization policies, particularly the policy dated 01.10.2003. It is argued that the petitioner has completed more than the minimum qualifying period of service prescribed under the applicable policy and, therefore, his case ought to have been considered for regularization by the respondents.

9. Learned counsel further contends that the petitioner has been performing duties of a perennial nature, which are essential for the functioning of the department, and thus his engagement cannot be treated as casual or temporary in nature for an indefinite period. It is submitted that despite the availability of regularization policies and the petitioner's long association with the department,

the respondents have failed to take any decision regarding regularization of his services, which amounts to arbitrariness. While placing reliance of "***Khajjan singh vs State of Haryana 2015(1) SCT 604"*** and "***Jaggo vs Union of India 2024 INSC 1034"***, it is contended that the impugned order has failed to consider the petitioner's length of service spanning more than three decades or address the binding effect of judgments rendered by this Court and the Supreme Court in identical matters.

10. Learned counsel points out that several other employees who were engaged after the petitioner have been granted the benefit of regularization, whereas the petitioner has been left out without any justifiable reason.

11. It is lastly contended that the petitioner submitted a detailed representation dated 19.09.2025 seeking regularization of his services, but the same has not been decided by the respondents, compelling the petitioner to approach this Court.

<u>On behalf of the respondents</u>

12. Learned counsel for the respondents submits that the present writ petition is not maintainable as the petitioner has failed to specify as to under which particular regularization policy of the Government of Haryana he claims entitlement for regularization of his services. On this ground alone, it is urged that the writ petition deserves dismissal.

13. It is further submitted that the petitioner is not entitled to regularization under any of the regularization policies relied upon in the writ petition. As per the official record, the petitioner was engaged through Muster Roll only in the year 1996 as a daily wager and was never appointed against any regular or sanctioned vacant post. His engagement was purely on daily wage basis

for performing miscellaneous labour work and not against a specific post. The service record reflects that his engagement was intermittent and marked by several breaks, thereby disentitling him from claiming continuity of service as required under the regularization policies.

14. Learned counsel submits that the regularization policy dated 27.05.1993 and 07.03.1996 are not applicable to the petitioner. With respect to the regularization policy dated 01.10.2003, it is submitted that the said policy required the employee to have completed the requisite period of service as on 30.09.2003, to have been appointed against a vacant sanctioned post, to possess the prescribed qualifications, and to have worked for at least 240 days in each year. It is contended that the petitioner does not satisfy any of these conditions. He was neither appointed against a sanctioned vacant post nor did he possess the requisite educational and technical qualifications. It is further submitted that the petitioner has wrongly claimed to have worked as a Water Pump Operator/Tubewell Operator, whereas these are technical Group 'C' posts requiring matriculation and ITI qualification, and as per record, even the literacy status of the petitioner is not confirmed. The petitioner, having been engaged through Muster Roll as a daily wager for miscellaneous labour work, without appointment against any sanctioned post and without requisite qualifications, does not fall within the ambit of the said policy.

15. The counsel has sought to bring the attention of this court on the ratio laid by the Supreme court in the case of "***M.P. Housing board and Anr vs Manoj Shrivastav 2006 (2) SCC 704"*** and the case of ***"UOI vs Ilmo Devi 2021 (12) Scale 66",*** wherein it was observed that there cannot be any permanent continuance of part-time temporary employees and the state cannot be directed to

create sanctioned posts for the same and thus the claim of the petitioner cannot be accepted.

16. It is also submitted that no legal or fundamental right of the petitioner has been infringed so as to warrant interference by this Court under writ jurisdiction. The regularization of other employees, if any, has been done strictly in accordance with the applicable policies, and the petitioner cannot claim parity as he does not fulfill the eligibility conditions prescribed therein.

17. Learned counsel further submits that the petition suffers from gross delay and laches. It is argued that the petitioners have approached this Court after an inordinate and unexplained delay, and therefore, on this ground alone, the petition deserves dismissal.

18. Heard counsel for both parties.

Analysis

19. After analysing the submissions advanced by counsel for both parties and perusing the material placed on record, it is apposite for this court to consider the scope of the powers bestowed upon it in matters relating regularization of employees and application of regularization policies duly framed by the State government.

Margin of appreciation and Judicial restraint

20. Judicial review in service jurisprudence is not confined to the margins of administrative discretion. Where State action results in unequal civil consequences, the Court is duty-bound to examine not merely the form but the substance of the decision-making process. The Supreme Court has repeatedly held that discretion in public employment is structured by constitutional discipline, and cannot be exercised to the detriment of equality.

21. In ***"Maneka Gandhi v. Union of India (1978) 1 SCC 248"***, the apex court held that arbitrariness is antithetical to the rule of law. Thus, where the State selectively applies a regularization policy, judicial review extends to correcting such constitutional aberrations. The impugned denial of a fair consideration for regularization, founded on re-opened facts and differential treatment, therefore squarely invites interference.

22. With this foundational principle, the Court now examines the facts of the present case and determines whether interference is justified. This court is faced with the following issue for determination in the present petition:

Core Issue for Determination

Whether the respondents acted arbitrarily in declining to consider the petitioner's claim for regularization of service despite his long-standing engagement and continuous performance of departmental duties?

Scrutiny of "Contractual" Labels

23. In a constitutional democracy, the State does not function as a private employer free to hire and discharge personnel at will; rather, it acts as a trustee of public power. Where ad hoc employees have, over successive years, shouldered the routine by keeping essential services moving, the law will not permit the State to consume their labour as if it were an endlessly renewable commodity, and then disclaim responsibility by simply labeling them ***"contractual"***. The Constitution of our country looks past nomenclature, and asks the harder question as to what is the true character of the engagement, and what does fairness require of a welfare State that has enjoyed benefit of such service for a considerably long period of time.

24. The starting point, of course, is that public employment must conform to Articles 14 and 16 of the Constitution and entry to public employment cannot be through the back door, nor can the Court convert an illegal appointment into a legal right merely because time has passed. Different High Courts as well as Supreme Court prior to 2006 in many cases directed States/Union of India to regularize part time/work charged/adhoc/contractual/daily wage employees considering their long and considerable length of service and continuity of work.

Reconciling Uma Devi

25. In the year 2006, a Constitution Bench of the Supreme Court in ***"State of Karnataka v. Uma Devi(2006) 4 SCC 1"*** adverted to the question of regularization of temporary/part time/adhoc/daily wage employees. It was restated with clarity in ***Umadevi (supra)*** that courts cannot ordinarily issue mandamus to absorb/regularize those not appointed through a constitutionally compliant and due process. Yet ***Umadevi (supra)*** also made a critical, humane and legally precise distinction between illegal appointments and irregular appointments; and it recognized that where duly qualified persons have worked for a decade or more in duly sanctioned vacant posts, the State must undertake a one-time regularization exercise as a matter of constitutional housekeeping, to end the long wrong of keeping people temporary for work of a permanent nature.

26. Furthermore, this "one-time measure" was not a bureaucratic ritual to be performed once and forgotten. In ***State of Karnataka Vs. M.L. Kesari***, **(2010) 9 SCC 247,** the Supreme Court noticed misuse by the State and its agencies, noncompliance of order of the Apex Court and denying benefits to the employees. The Court noticed that the object as such was two folds. Firstly, those persons who had put in more than 10 years of services were to be considered for regularization

in view of the long service. Secondly, it was to ensure that departments do not perpetuate the practice of employing persons on daily wage, adhoc or casual basis. It was held that persons who had worked for more than 10 years on 10.04.2006 were entitled for regularization and necessary directions were issued in the said case and those not entitled because of lack of educational qualifications were to be regularized on a lower post. The ratio in in ***M.L. Kesari (supra)*** explains it in the only manner consistent with constitutional ethics that exclusions due to pendency in court or "oversight" cannot defeat that entitlement and until all such eligible employees are considered, the one-time exercise is not truly complete. This becomes important because the common administrative stratagem is not merely to deny regularization, but to deny even consideration, by repeatedly changing the description of engagement i.e. daily wage yesterday, contractual today, "project staff" tomorrow, while the work remains perennial.

27. In the present case, the petitioner's case for regularization was viewed only in capacity of him being a mere contractual or daily wage worker. However, the record reflects that the petitioner had rendered service to the respondent department for nearly three decades and his work and conduct have never been found wanting. Despite the existence of multiple regularization policies and despite the regularization of similarly situated employees, the petitioner's claim was neither meaningfully considered nor decided, even upon a formal representation. Such inaction of considering the case of the petitioner for regularization, coupled with selective application of policy, bears the imprint of arbitrariness and defeats the very object underlying the constitutional mandate elucidated in ***Uma Devi(supra)*** and ***M.L. Kesari(supra)***. The respondents' approach reflects a perpetuation of temporary status for work of a perennial

nature, thereby attracting judicial scrutiny and warranting intervention of this court.

28. Support may also be drawn from ***"Ram Rattan & ors. vs. State of Haryana & ors."*** in ***CWP-34585-2019*** decided on 19.10.2023, wherein this court directed consideration and regularization in terms of the 2003 regularization policy even when the State relied upon ***Uma Devi (supra)*** to deny benefits to daily wage employees observing that the intent of the apex court was to protect employees from exploitation and that public employment is a facet of right to equality envisaged under Article 16 of the Constitution and that State is although a model employer, its right to create posts and recruit people, therefore, emanates from the statutes or statutory rules and that non regularization into service of such part-time employees who have put in their whole life in the service of the respondent, would tantamount to violation of fundamental rights of equality before law and equality of opportunity in matters relating to employment under the State, as enshrined under Article 14 & 16(1) of the Constitution. Following directions were issued by this Court:-

> *"(32). In addition to the above, even principle of natural justice, too demand that the petitioners cannot be denied the benefit of regularization of services when their similarly placed employees have been granted the said benefit.*
> *(33). Accordingly, the respondents are directed to consider the case of the petitioners for regularization of service in view of the policy dated 01.10.2003 as amended on 10.02.2004 issued by the Government of Haryana and to pass necessary orders regularizing their services, within a period of one month from the date of receipt of certified copy of this order. The petitioners shall also be entitled to all the benefits of regularization and consequential relief to which they are eligible including the arrears of salary.*
>
> *(34). This case is also being peculiar wherein Class-IV employees are forced to undergo multiple round of litigation for their claim to which they became eligible in the year 2003 and are fighting for their legal rights for two decades, this Court cannot close its eyes to the pain and sufferings and the harassment with which this strata of society*

> *has been dealt with, needs to be compensated, though cannot be done so by any means after such a long number of years, the respondent No.3 shall pay 6 % interest per annum on the arrears from the date it became due till the date of its realization to which the petitioners are found entitled on regularization into service."*

29. This court is of the opinion that the State must not, through an arbitrary exercise of its constitutional powers, inflict injustice upon members of the lower strata of society who have served it for many years and would otherwise suffer undue hardship.

30. This court cannot lose sight of the principles emerging from ***Uma Devi (supra)*** and subsequent decisions of the Supreme Court reflects a clear intention to safeguard employees from exploitation. The Court has repeatedly underscored that State should not perpetuate ad-hoc or contractual employment by issuing regularization schemes at their convenience. Instead, as a one-time measure, only those employees who have completed ten years of continuous service are to be considered for regularization. These directions must be understood in light of fundamental principles of legal interpretation, which require that the law be construed in a manner that protects the vulnerable and preserves the legitimate rights of employees. Individuals cannot be left to serve indefinitely on daily-wage, contractual, work-charged, or part-time posts without a fair opportunity for regularization.

Failure of State

31. 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, "there are no sanctioned posts", it is not stating an inevitability of nature; it is confessing an administrative choice. In "***Nihal Singh and Ors. VS. State of Punjab and Ors. vide Civil Appeal***

No.635 of 2013", the Supreme Court called out precisely this defence while holding that creation of posts and cadre is within State authority and if the State permits utilization of services for decades, there is no justification to plead absence of sanctioned posts as these ***"sanctioned posts do not fall from heaven"*** and the State must create them by a conscious, rational assessment of need, and failure to take a decision to either create posts or stop extracting work is itself arbitrary state action/inaction. This is not sentiment but a constitutional logic. A welfare State cannot run core public functions on the spine of these contractual workers and then wash its hands by pointing to absence of sanctioned post.

Fate of these Employees in Lurch

32. The Supreme Court recently in '***Jaggo v. Union of India and others', 2024 SCC OnLine SC 3826***, discussing the dicta of the Constitutional Bench in ***Uma Devi (supra)*** has held that no employee can be kept temporary for an indefinite period. An employee has right to be considered for regularization considering the length of service rendered. The relevant extracts of the judgment read as:

> *"10. Having given careful consideration to the submissions advanced and the material on record, we find that the appellants' long and uninterrupted service, for periods extending well beyond ten years, cannot be brushed aside merely by labelling their initial appointments as part-time or contractual. The essence of their employment must be considered in the light of their sustained contribution, the integral nature of their work, and the fact that no evidence suggests their entry was through any illegal or surreptitious route.*
>
> *16. The appellants' consistent performance over their long tenures further solidifies their claim for regularization. At no point during their engagement did the respondents raise any issues regarding their*

competence or performance. On the contrary, their services were extended repeatedly over the years, and their remuneration, though minimal, was incrementally increased which was an implicit acknowledgment of their satisfactory performance. The respondents' belated plea of alleged unsatisfactory service appears to be an afterthought and lacks credibility.

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19. It is evident from the foregoing that the appellants' roles were not only essential but also indistinguishable from those of regular employees. Their sustained contributions over extended periods, coupled with absence of any adverse record, warrant equitable treatment and regularization of their services. Denial of this benefit, followed by their arbitrary termination, amounts to manifest injustice and must be rectified.

20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements.

However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization.

In a recent judgement of this Court in Vinod Kumar and Ors. Etc. Vs. Union of India & Ors.5, it was held that held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed "temporary" but has

performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgement have been reproduced below:

> *"6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).*
>
> *7. The judgement in the case Uma Devi (supra) also distinguished between "irregular" and "illegal" appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case."*
>
> *XXX XXX XXX XXX*

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.

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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 longterm 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."

33. Also, in ***"Union of India Vs. K. Velajagan And Ors.", 2025 SCC OnLine SC 837*** decided on 04.02.2025 the Supreme Court has observed that decision in ***Uma Devi (supra)*** cannot be used as a shield to justify exploitative engagements persisting for years without the employer undertaking legitimate recruitment process to deny relief of regularization. Relevant extract is as under:

> *The decision in State of Karnataka v. Uma Devi, (2006) 4 SCC 1 as held in a recent decision of this Court in Shripal v. Nagar Nigam, Ghaziabad, (2025) Live Law SC 153 cannot be used as a shield to justify exploitative engagements persisting for years without the employer undertaking legitimate recruitment process to deny relief of regularization.*

34. This court is sanguine of the fact that *Uma Devi(supra)* cannot be used as a licence for exploitation of these employees by the State and its instrumentalities as was held by the Supreme Court in ***Nihal Singh (supra)*** wherein the court directed the State of Punjab to regularize the services of the appellants even by creating necessary posts within a period of three months from the date of judgment holding the appellants/employee entitled to all the benefits of services attached to the post, who are similar in nature.

35. Also in "***Prem Singh vs. State of Uttar Pradesh and Ors., 2019 (10) SCC 516"*** a three judges Bench of the Supreme Court considered ***Uma Devi(supra)*** and directed to regularize the service of those employees, who have worked for 10 years or more alongwith all other benefits to which they became entitled and also for some of the employees therein, who have attained the age of superannuation, were held entitled to receive pension as if they have retired from the regular establishment as can be read from the relevant para 35 of this judgment.

> *"35. There are some of the employees who have not been regularized in spite of having rendered the services for 30-40 or more years whereas they have been superannuated. As they have worked in the work-charged establishment, not against any particular project, their services ought to have been regularized under the Government instructions and even as per the decision of this Court in Secretary, State of Karnataka & Ors. v. Uma Devi 2006 (4) SCC 1. This Court in the said decision has laid down that in case services have been rendered for more than ten years without the cover of the Court's order, as one time measure, the services be regularized of such employees. In the facts of the case, those employees who have worked for ten years or more should have been regularized. It would not be proper to regulate them for consideration of regularisation as others have been regularised, we direct that their services be treated as a regular one."*

36. It is thus abundantly clear that the ratio of ***Uma Devi's case (supra)*** would also not be handy to the respondent-department as there are consistent enunciation of law directing regularization of services of such daily rated/casual worker/work charged/contractual/adhoc employees, who have rendered 10 or more years of service.

37. Moreover, even long before ***Umadevi (Supra)***, the Supreme Court in ***State of Haryana v. Piara Singh, 1992(3) SCT 201*** articulated a practical constitutional ethic that regular recruitment is the norm and ad hoc engagement may be compelled by exigency but an ad hoc employee should not be replaced by another ad hoc employee, and if continuance becomes long, the authority must consider regularisation where the employee is eligible/qualified and service record is satisfactory because security of tenure is integral to enabling an employee to give his best, and because prolonged ad hocism creates arbitrariness and avoidable litigation. It was held as under:

> *25. Before parting with the case we think it appropriate to say a few words concerning the issue of regularisation of ad hoc/temporary employees in Government Service.*

The normal rule, of course, is regular recruitment trough the prescribed agency but exigencies of administration may sometimes call for an ad hoc or temporary appointment to be made. In such a situation, effort should always be to replace such an adhoc/temporary employee by regularly selected employee as early as possible. Such a temporary employee may also compete along with others for such regular selection/appointment. If he gets selected, well and good, but if he does not, he must give way to the regularly selected candidate. The appointment of regularly selected candidate can not be withheld or kept in abeyance for the sake of such an ad hoc/temporary employee.

Secondly, an ad hoc or temporary employee should not be replaced by another ad hoc or temporary employee; he must be replaced only by a regularly selected employee. This is necessary to avoid arbitrary action on the part of the appointing authority.

Thirdly, even where an ad hoc or temporary employment is necessitated on account of the exigencies of administration, he should ordinarily be drawn from the employment exchange unless it cannot brook delay in which case the pressing cause must be stated on the file. If no candidate is available or is not sponsored by the employment exchange, some appropriate method consistent with the requirement of Article 16 should be followed. In other words, there must be a notice published in the appropriate manner calling for applications and all those who apply in response thereto should be considered fairly.

An unqualified person ought to be appointed only when qualified persons are not available through the above processes.

If for any reason, an ad hoc or temporary employee is continued for a fairly long spell, the authorities must consider his case for regularisation provided he is eligible and qualified according to rules and his service record is satisfactory and his appointment does not run counter to the reservation policy of the State.

The proper course would be that each State prepares a scheme, if one is not already in vogue, for regularisation of such employees consistent with its reservation policy and if a scheme is already framed, the same may be made consistent with our observation herein so as to reduce avoidable litigation in this behalf. If and when such person is regularised he should

be placed immediately below the last regularly appointed employee in that category, class or service, as the case may be."

38. This reasoning has enduring relevance even post-Umadevi not as a licence to regularise illegal entry in public service, but as a judicial reminder that governance cannot be built on perpetual temporariness when the work requirement is permanent.

39. Furthermore, the reliance placed by the petitioner on the judgment of ***"Khajjan Singh v. State of Haryana 2015 (1) SCT 604"*** is found to be wholly pertinent and is accordingly accepted. In this case, the Apex Court held that employees who have been continuously engaged by the State over a long period, performing duties essential to the functioning of the department, acquire a legitimate expectation that their cases will be considered for regularization. It was further emphasized that technical or formalistic objections, such as non-appointment against a sanctioned post, cannot be allowed to defeat the substantive right of long-serving employees to have their claims examined under the applicable regularization policy. This principle squarely applies to the facts of the present case, where the petitioner has rendered long and continuous service to the department, and therefore his claim deserves to be considered on merits in accordance with law.

Delay and Laches

40. Another contention raised by the learned State counsel that the present petition suffers from delay and latches on account of the petitioner having approached this Court after more than ten years from the alleged cause of action also does not merit acceptance.

41. The Court is of the view that once the State Government formulates and publishes a regularization policy, it is under an obligation to implement the same, particularly in a socialistic welfare State where hundreds of similarly situated employees have been considered. The State, being a model employer, is expected to act as a parent towards its employees, especially where the employees belong to an illiterate class and the lowest strata of society. In such circumstances, the State is expected to act promptly and not allow its officials to remain in a state of inaction, thereby compelling employees to approach the Court for enforcement of their legal rights, which otherwise ought to have been considered in due course on the basis of the record available with the respondents in a transparent and fair manner, thereby rendering the cause of action as a continuing one. Therefore, the plea of delay and laches is wholly misconceived and cannot be permitted to defeat the substantive and accrued rights of the petitioner, which ought to have been considered by the respondents on the basis of the record available with them in a transparent, fair, and non-arbitrary manner. Accordingly, the argument raised on behalf of the respondents also stands rejected.

Ethos of a Welfare State

42. There is, finally, a moral vocabulary that is not foreign to Indian constitutionalism and it runs parallel to our civilisational idea of Rajdharma that the ruler's foremost duty is protection and fairness to those who sustain the State's functioning. Our ancient texts repeatedly place upon the sovereign an obligation to act with *nyaya* (justice), *anrishamsya* (non-cruelty), and balanced governance and the idea of *lokasangraha* as discussed in the Bhagvad Gita's reminds public power that action must serve social stability and the common good, not merely administrative convenience. They are interpretive lamps that illuminate why a

welfare State cannot, in good conscience or good law, keep citizens in endless precarity while taking uninterrupted benefit of their service. When the State engages people to serve the public often in the lowest rungs, with the least bargaining power it must remember that governance is not merely about outputs but it is also about how those outputs are produced.

43. Therefore, the legally sustainable position is that regularization cannot be claimed as a matter of right where the initial entry is illegal or plainly unconstitutional but where the engagement is long, continuous, against sanctioned vacant posts of duly qualified persons, the State is under a constitutional duty to undertake fair consideration and to complete the one-time regularization exercise mandated in ***Umadevi (supra)*** as explained in ***M.L. Kesari (supra)***. And where the State's defence is merely a change of label "contractual" while it continues to extract perennial work for years, courts are entitled to pierce the veil of form, test the action on the anvil of the Constitutional ethics, and prevent the welfare State from becoming an architect of injustice. Article 14 & 16 of the Constitution of India do not merely regulate entry into public service but they govern the entire life cycle of public employment of State. The constitutional promise is not exhausted once an employee crosses the threshold of appointment but it is a dynamic guarantee to safeguard against arbitrary action of the State including denial of legitimate consideration.

44. In the considered view of this Court, the petitioner has rendered continuous and uninterrupted service to the respondent department for nearly three decades. Notwithstanding the existence of multiple regularization policies under which the petitioner was prima facie eligible, the respondent-State failed to accord his case due consideration or extend the benefit of regularization. Having derived

benefit from the services of the petitioner over such an extended period, the State cannot now evade its constitutional and administrative obligations by resorting to procedural objections of its own creation.

Conclusion

45. For the reasons stated above, all the above said writ petitions are hereby ***allowed***. The impugned orders rejecting the petitioners' claims for regularization, if any, are set aside. This judgment shall govern all connected matters with similar facts.

46. The respondents are hereby directed to regularize the petitioners in accordance with the law and under the relevant regularization policy in force when the petitioner first became eligible, including, but not limited to, the policies of 1993, 1996, 2003, and 2011.

47. However, the petitioners who do not fall under the above policies but have rendered services of more than 10 years as on date i.e. 31.12.2025, the respondents are directed to grant them the benefit of regularization.

48. The respondents are also directed to release all consequential benefits, including fixation of pay, arrears thereof alongwith interest @ 6% per annum from the date it became due til its actual realization.

49. The entire exercise shall be completed within eight weeks from the date of receipt of a certified copy of this judgment.

50. Pending application(s), if any, stand disposed of.

51. A photocopy of this order be placed on the file of other connected cases.

(SANDEEP MOUDGIL)
JUDGE

31.12.2025
Meenu

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No