



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. ALOK MAHRA

SPECIAL APPEAL No.24 of 2025

11th June, 2025

Ajay Panwar and others

-- Appellants

Versus

State of Uttarakhand and Others

--Respondents

With

Writ Petition (SS) No. 1373/2023
Writ Petition (SS) No. 670/2024
Writ Petition (SS) No. 768/2024
Writ Petition (SS) No. 1047/2024
Writ Petition (SS) No. 1121/2024
Writ Petition (SS) No. 1294/2024
Writ Petition (SS) No. 1473/2024
Writ Petition (SS) No. 1475/2024
Writ Petition (SS) No. 1552/2024
Writ Petition (SS) No. 1581/2024
Writ Petition (SS) No. 1583/2024
Writ Petition (SS) No. 1586/2024
Writ Petition (SS) No. 1598/2024
Writ Petition (SS) No. 1638/2024
Writ Petition (SS) No. 1644/2024
Writ Petition (SS) No. 1690/2024
Writ Petition (SS) No. 1700/2024
Writ Petition (SS) No. 1873/2024
Writ Petition (SS) No. 1885/2024
Writ Petition (SS) No. 1897/2024
Writ Petition (SS) No. 1954/2024
Writ Petition (SS) No. 1955/2024
Writ Petition (SS) No. 1967/2024
Writ Petition (SS) No. 1968/2024



Writ Petition (SS) No. 1969/2024

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Special Appeal No. 22/ 2025

Special Appeal No. 40/2025

Special Appeal No. 41/2025

Special Appeal No. 42/2025

Special Appeal No. 43/2025

Special Appeal No. 44/2025

Special Appeal No. 45/2025

Special Appeal No. 46/2025

Special Appeal No. 47/2025

Special Appeal No. 48/2025

Special Appeal No. 49/2025

Special Appeal No. 53/2025

Special Appeal No. 57/2025

Special Appeal No. 58/2025

Special Appeal No. 59/2025

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Special Appeal No. 62/2025

Presence:-

Mr. K. P. Uppadhya, Mr. D. S. Patni, learned Senior Counsels along with Mr. M. C. Pant, Mr. Aditya Singh, Mr. A. M. Saklani, Mr. P. S. Uniyal, Mr. A.K. Bisht, Mr. Sandeep Tiwari, Mr. Bhupesh Kandpal and Mr. Himanshu Yadav, learned counsels for the petitioners/appellants.

Mr. J.P. Joshi, learned Additional Advocate General alongwith Mr. P. C. Bisht, learned Addl. C.S.C. for the State.

Mr. Ashish Joshi and Mr. Pankaj Miglani, learned counsel for the Uttarakhand Public Service Commission.

Mr. Shubhang Dobhal, learned counsel for the applicants in Impleadment Application No. 3 of 2025.

JUDGMENT : (per Mr. G. Narendar, C. J.)

Heard learned Senior Counsel for the appellants/petitioners, learned Addl. Advocate General for the State and learned counsel for the Commission.

2. The appeals came to be preferred being



aggrieved by the modification of the interim order by learned Single Judge by order dated 04.03.2025, whereby the learned Single Judge is pleased to modify the interim order and as a consequence of the modification, it resulted in the official respondents taking action to drop the appellants from the service and replace them with another set of contractual employees. Aggrieved by this action of the official respondents, the appellants are before this Court.

3. It was also mentioned before this Court that there are several writ petitions, wherein the parties have been praying for regularization and in many of the writ petitions, interim relief from removal from service had also been granted. In that view, the writ petitions were directed to be listed before this Bench along with appeals.

4. Having heard the learned counsels, it is apparent that the petitioners were appointed as Junior Engineers on contractual basis, without following the norms of selection. The fact also remains that the selection is not subject to any process conducted by the Public Service Commission or by any other competent authority. There is no dispute with regard to the fact that many of them have rendered service for more than a



decade and a half and some for few years, but all have been rendering service even through Covid-19 period in various capacities and in various posts to which they were deputed by the official respondents. The fact remains that post the pronouncement of the judgment in *Secretary, State of Karnataka and Others Vs. Uma Devi and others*, reported in (2006) 4 SCC 1, rendered by the Constitutional Bench of the Hon'ble Apex Court, the State has legislated and framed 2013 Rules, wherein the State has laid down the criteria for regularization of services of the employees, who have been employed on ad-hoc, temporary or contractual basis or even daily wagers. Despite the law governing the subject having been legislated, we find that issue of regularizations of Junior Engineers, who have been appointed over different periods, has been hanging fire and pending without any light at the end of the tunnel.

5. Having heard the learned counsels and having realized that determination of the individual petitions on merits would result in a humongous task and would stretch the Court's resources thin in order to arrive at a decision, and further the Court would be mandated to render finding of facts in a proceeding under Article 226



of the constitution, regarding the eligibility of the petitioners to be considered for regularization, this Court has suggested to the counsels as to whether the process of consideration of each of the candidate's case on merits be left to the official respondents, as the official respondents are better suited and have the wherewithal and the machinery to address the request of each and every candidates and verify the claims and cross check their antecedents before considering their case on merits and pass orders either way?

6. Learned counsels have unanimously given their consent to the suggestion of the Court. The learned Addl. A.G. has also consented to this suggestion.

7. In that view, we are of the view that it would be appropriate to direct the Secretary, PWD to separately consider the individual claims of all the petitioners for regularization on the post to which they have been engaged and continued to be engaged on contractual terms. In that view, the special appeals and the writ petitions are hereby disposed of with the following directions:-

(i). Every petitioner shall submit an individual



representation setting out, in detail, the merits of his claim and shall also enclose necessary certificates in support of his eligibility to be considered for the post.

(ii). The claim petition shall include the details such as; (a) regarding the date of appointment, (b) in the event, any selection process was undertaken by the authorities (in the course of engaging the services on contractual basis) the details of such process/procedure, (c) the details of the breaks (the detail of the break shall detail the number of days, months or years, the petitioner was out of service), (d) the date of discontinuance and the date of reappointment shall be stated.

(iii). The petitioners shall submit their respective representation within 15 days from the date to be calculated from the date of receipt of copy of this order. At the latest, the representation shall be submitted to the first respondent on or before 30.06.2025 by 5:30 p.m.

(iv). Thereafter, the first respondent shall examine the representations individually and, thereafter,



draw up a list assigning seniority to the petitioners and some of the criteria for assessing and drawing up the seniority list are as follows:-

(a) The date of entry in the service.

(b) The total length of service, excluding the number of days/weeks/months that the petitioners were actually out of service.

(v). Thereafter, the first respondent shall, on the basis of the criteria stated (supra) and also appreciate the 2013 Rules and, thereafter, pass orders on each representation, holding them eligible or not, for regularization. The first respondent shall not take into consideration, the removal from the post of certain of the petitioners post the modification of the interim orders dated 10.01.2025 & 04.03.2025, for the purpose of calculating the length of service. The service rendered or failure to render service post 10.01.2025 shall not be factored in by the first respondent while calculating the length of service. The first respondent shall not be influenced by any of observations made in any of the orders passed by this Court, either sitting singly or in division and



the case of each petitioner shall be considered on the individual merits. It is further made clear that in the event of any of the petitioners' services being regularized and it is found that he has been removed only due to the modified interim order, then the period from 10.01.2025 shall be counted as a period spent on duty.

(vi). The first respondent shall consider the case of the petitioners not only in respect of the existing vacancies, but also the vacancies that may come up in the next six months. It is made clear that all those who have been given charge of promotional post or a post higher in rank of J.E. for regularization, shall be eligible for regularization only in the post of J.E. It is made clear that the candidate applying for regularization, shall be from amongst the list of names of 229 persons furnished by learned Addl. A.G. i.e. the list compiled pursuant to the order dated 01.04.2025 in **SPA No.24 of 2025** in the matter of **Ajay Panwar and others Vs. State of Uttarakhand and others.**

(vii). Prior to regularization, the first respondent shall, in consultation with the Government, also



formalize the service benefits that the State would extend pursuant to the order of regularization.

8. We deem it appropriate to issue this direction, in view of the fact that it would prevent unavoidable litigation and future litigations. The consideration of the cases of the petitioners shall be expedited by the first respondent and, at any rate, the exercise shall be completed within six months from the date of receipt of copy of this order.

9. The Registry shall forthwith forward the certified copy of this order to the first respondent.

10. All the appeals and the writ petitions listed today stands disposed of in the above terms.

(G. NARENDAR, C. J.)

(ALOK MAHRA, J.)

Dated: 11.06.2025
BS