



CGHC010219012021

2026:CGHC:32050

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
WPS No. 4646 of 2021

- 1 - Pratap Sahu S/o Bagas Sahu Aged About 42 Years R/o Village Dokarbhata, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**
- 2 - Shiv Prasad Sahu S/o Heeru Sahu Aged About 46 Years R/o Village Dokarbhata, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**
- 3 - Hemuram Patel S/o Chabilal Patel Aged About 47 Years R/o Village Dokarbhata, Tehsil Khairagarh, District Rajnandgaon. R/o Village Dokarbhata, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**
- 4 - Gulabchand Sahu S/o Goverdhan Sahu Aged About 47 Years R/o Village Dokarbhata, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**
- 5 - Tulsiram S/o Brijlal Aged About 45 Years R/o Village Dokarbhata, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**
- 6 - Lekhram S/o Khemlal Patel Aged About 34 Years R/o Village Dokarbhata, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**
- 7 - Bholaram S/o Mangalram Patel Aged About 40 Years R/o Village Dokarbhata, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**
- 8 - Chintaram S/o Dhanauram Sahu Aged About 35 Years R/o Village Dokarbhata, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**
- 9 - Doojram S/o Premaram Patel Aged About 44 Years R/o Village Dokarbhata, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**
- 10 - Jaggu Sahu S/o Baran Sahu Aged About 35 Years R/o Village Dokarbhata, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**
- 11 - Shivprasad Sahu S/o Banau Ram Aged About 42 Years R/o Village Khairbna, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**
- 12 - Chhaganlal Sahu S/o Shuklal Aged About 41 Years R/o Village Khairbna, Tehsil Khairagarh, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh**

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Water Resources Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - Chief Engineer Office Of Chief Engineer, Mahanadi Godawari Kachhar, Water Resources Division, Raipur., District : Raipur, Chhattisgarh

3 - Executive Engineer Water Resources Division, Chhuiekhadan, District Rajnandgaon., District : Rajnandgaon, Chhattisgarh

... Respondent(s)

For Petitioners	: Ms. Shriyadeep Gupta, Advocate holding the brief of Mr. H.S. Ahluwalia, Advocate
For State	: Mr. Amandeep Singh, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

27.07.2026

1. By way of this petition, the petitioners have sought the following relief(s):-

“10.1 The Hon'ble Court may kindly be pleased to command the respondents to produce the entire records of the case particularly the records of the petitioners for consideration of regularization of their services, for perusal of this Hon'ble Court.

10.2 The Hon'ble Court may kindly be pleased to issue appropriate writ quashing the impugned order dated 26/3/2021 and direct the respondent authorities to regularize the services of the petitioners from the date of their actual entitlement with all consequential benefits.

10.3 Any other relief, which may be suitable in the facts and circumstances of the case. This petition, may be allowed. with cost. ”

2. Facts in brief are that the petitioners were appointed as daily wage employees under the respondent No. 3 on 03.05.1998. They were retrenched by the respondent No. 3 on 14.06.2007, and thereafter, a dispute was raised before the learned Labour Court under the provisions of Industrial Dispute

Act, 1947. Learned Labour Court passed an award in favour of the petitioners on 20.06.2011 and directed the respondents to reinstate the petitioners without backwages. Pursuant to said order, the petitioners were reinstated to their original posts vide order dated 20.07.2011 and they are still working there.

3. The award passed by the learned Labour Court was challenged by the State in WPL No. 5181 of 2011, which was dismissed vide order dated 20.01.2021.
4. The petitioners had preferred WPS No. 172 of 2019 seeking direction to the respondents to consider their claim for regularization and said writ petition was disposed of vide order dated 20.01.2021, wherein direction was issued to the respondent authorities to consider their claim of regularization within a period of 90 days in light of judgment passed by the Division Bench in the case of **Tukaram Vs. State of Chhattisgarh** passed in **WPS No.1703/2015** decided on 16.05.2017. The petitioners made representations before the respondent authorities and their claim has been rejected by the respondent No. 2 on the ground that the petitioners were appointed after cut-off date i.e. 31.12.1997.
5. Ms. Shriyadeep Gupta, Advocate would submit that the petitioners are working under the respondent No. 3 since 03.05.1998, their work is perennial in nature. They were reinstated in service pursuant to award passed by the learned Labour Court and it will be very difficult for the petitioners to switch their job at this stage. It is also contended that the respondent No. 2 has rejected the representations made by the petitioners applying the circular dated 05.03.2008, which is arbitrary, illegal and bad in law, being violative of

Article 14 & 16 of the Constitution of India as services of many of the employees appointed after 31.12.1997 have been regularized by the department. She would pray to allow this petition.

6. On the other hand, Mr. Amandeep Singh, Panel Lawyer appearing for the State would oppose. He would submit that cases of the regularization of many employees have been considered pursuant to circular dated 05.03.2008. He would contend that according to said circular, the employees, who were appointed prior to 31st December, 1997 were taken into consideration for regularization. It is argued that the petitioners were appointed after cut-off date, therefore, claim has rightly been rejected by the respondent authorities. He would contend that petition is misconceived and deserves to be dismissed.
7. I have heard learned counsel for the parties and perused the documents placed on record.
8. In the present case, the petitioners have been continuously working with the department for more than 25 years and their claim for regularization has been rejected solely on the ground that they were appointed after cut-off date i.e. 31.12.1997. In my considered view, it is not necessary for an establishment or a State instrumentality to always apply circular dated 05.03.2008 while dealing with the cases of regularization. The authority concerned has to consider nature of employment, length of service, past record of employee, sanctioned vacancy etc. It is well settled principle of law that prolonged temporary engagement of daily wagers amounts exploitation and defeats constitutional mandate.
9. The aspect of regularization has been considered by the Hon'ble Supreme

Court **Jaggo Versus Union of India**¹ in which it has been held in paragraphs

26 and 27 as under :

“26. While the judgment in Umadevi (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 legitimate claims of long-serving employees. This or misapplied to judgment aimed to distinguish between "illegal" and deny "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 appointments are not illegal, but merely lack where their adherence to procedural formalities. Government departments often cite the judgment in Umadevi (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.”

1. 2024 LiveLaw (SC) 1032

10. Recently, in **Shripal Versus Nagar Nigam, Ghaziabad²**, the Hon'ble Supreme Court has cautioned that **Uma Devi** judgment cannot be used 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. Relevant paragraph 14 reads as under :-

"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."

11. In view of the aforesaid discussion and the legal principles established by the Apex Court, the order passed by respondent No. 2 dated 26.03.2021 is hereby **quashed** and matter is remitted back to the authority concerned to consider the claim of petitioners keeping in mind the observations made herein-above. It is expected that entire exercise shall be completed by respondent No. 2 within period of 150 days from the date of receipt of copy of this order.

12. In result, this writ petition stands **allowed**.

Sd/-
(**Rakesh Mohan Pandey**)
JUDGE