

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 44784 OF 2018 (S-KAT)

BETWEEN:

1. SRI. RAMESH BABU
AGED ABOUT 41 YEARS
S/O K.C.VENKATASWAMY,
WORKING AS SWEEPER,
IN DR POLICE STATION, KOLAR,
R/AT NO.204, AMBEDKAR NAGAR,
BHOVI COLONY, 6TH WARD,
BANGARPET TALUK,
KOLAR DISTRICT - 563 101.
2. SRI RAMACHANDHRA V
AGED ABOUT 43 YEARS,
S/O K.C.VENKATASWAMY,
WORKING AS SWEEPER,
IN DR POLICE STATION, KOLAR,
R/AT NO.204, AMBEDKAR NAGAR,
BHOVI COLONY, 6TH WARD,
BANGARPET TALUK,
KOLAR DISTRICT - 563 101.
3. SRI MANJUNATHA K
AGED ABOUT 40 YEARS,
S/O KRISHNAPPA,
WORKING AS SWEEPER,
IN TRAFFIC POLICE STATION, KOLAR,
R/AT NO.394, KILARI PETE,
NEAR VENU GOPAL SWAMY TEMPLE,
KOLAR - 563 101.
4. SMT. MANGAMMA
AGED ABOUT 54 YEARS,
W/O VENKATESHAPPA,
WORKING AS SWEEPER,

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NANJUNDACHARI
Location: High
Court of Karnataka

IN DR POLICE STATION, KOLAR,
R/AT NO.114, DR POLICE QUARTERS,
GHALA PETE, KASABA HOBLI
KOLAR TALUK &
KOLAR DISTRICT - 563 101.

5. SMT. JAYAMMA
AGED ABOUT 54 YEARS,
W/O LATE MUNIVENKATAPPA,
WORKING AS SWEEPER,
IN DR POLICE STATION, KOLAR,
R/AT NO.335, DR POLICE QUARTERS,
NEAR MADHUSUDHAN GARAGE,
GHALA PETE, KASABA HOBLI
KOLAR TALUK AND DISTRICT-563 101.
6. SRI VENKATESH @ VENKAT
AGED ABOUT 50 YEARS,
S/O LATE KALAI AH @ KAALA
WORKING AS SWEEPER,
IN NANJANGUDU TOWN POLICE STATION,
R/AT NO.919
RAJAJI COLONY, NANJUNGUD TOWN
MYSORE DISTRICT - 571 301.
7. SMT. B R MANJULA
AGED ABOUT 41 YEARS,
W/O BANNURU CHENNA RAMAIAH,
WORKING AS SWEEPER,
IN BANNURU POLICE STATION, MYSORE,
R/AT NO.180
VINAYAKA COLONY, WARD NO.11,
T.NARASIPURA TALUK, BANNUR HOBLI
MYSORE DISTRICT - 571 101.
8. SMT. K SHARADHAMMA
AGED ABOUT 51 YEARS,
W/O LATE PAPPARAJU,
WORKING AS SWEEPER,
IN KARNATAKA POLICE ACADEMY,
MYSORE,
R/AT NO.149, GAYATHRI PURAM
2ND STAGE, 2ND CROSS, BEHIND CHURCH,
MYSORE DISTRICT - 570 019.
9. SRI C SUBRAMANYA
AGED ABOUT 51 YEARS,
S/O LATE CHIKKARAMA,

WORKING AS SWEEPER,
IN CHUNCHUKATTE POLICE STATION,
R/AT NO.302, P.K.COLONY,
ADHISHAKTHI BADAVANE,
WARD NO.5, KRISHNARAJANAGARA,
MYSORE DISTRICT - 571 602.

10. SRI CHANDRA @ CHANDRA SHETTY
AGED ABOUT 50 YEARS,
S/O LATE RAMASHETTY @ NANJA SHETTY,
WORKING AS SWEEPER,
IN KARNATAKA POLICE ACADEMY MYSORE,
R/AT NO.3, CHINAKURALI HOBLI,
PANDAVAPURA TALUK,
KANAGANA HALLI
MANDYA DISTRICT - 571 455.
11. SRI AARMUGAM
AGED ABOUT 38 YEARS,
S/O MUTHAIAH,
WORKING AS SWEEPER,
IN MM HILLS POLICE STATION,
R/AT SWEEPER COLONY, PUDDURU,
MAHDESHWARA BETTA,
MAHDESHWARA MALLE,
KOLLEGAL, CHAMRAJNAGARA,
KARNATAKA - 571 490.
12. SRI SIDDARAJU
AGED ABOUT 47 YEARS,
S/O RACHAIAH
WORKING AS SWEEPER,
IN YELLANDUR POLICE STATION,
R/AT NO.75, AMBEDKAR STREET,
OLAGADA BEEDI,
KOMARANAPURA VILLAGE,
YALANDURU TALUK, CHAMARAJANAGAR,
KARNATAKA - 571 441.
13. SRI NAGARJ
AGED ABOUT 35 YEARS,
S/O BASAVA GANGAMMA
WORKING AS SWEEPER,
IN MOKA POLICE STATION, BELLARY,
R/AT NO.156, WARD NO.2,
MOKA TALUK,
BELLARY DISTRICT - 583 117.

14. SRI NAGARAJA M
AGED ABOUT 50 YEARS,
S/O LATE M RAJANNA
WORKING AS SWEEPER,
IN KUDUTHINI POLICE STATION,
KUDATHINI
R/AT WARD NO.2, HANIGERI KATTE,
KUDATHINI, HAGARIBOMMANAHALLI,
BELLARY - 583 115.
15. SRI G RAMESH
AGED ABOUT 45 YEARS,
S/O RAMANNA,
WORKING AS SWEEPER,
IN KURUGODU POLICE STATION,
R/AT 10TH MAIN,
NEELAMMA MATA ONI,
NEAR ANJINEYA GUDI, KURUGODU,
HAGARIBOMMANAHALLI,
BELLARY - 583 116.
16. SRI MURUGESH
AGED ABOUT 51 YEARS,
S/O SUBBAIAH,
WORKING AS SWEEPER,
IN SUNTIKOPPA POLICE STATION,
SOMWARPETE TALUK,
R/AT DR AMBEDKAR NAGARA,
SUNTIKOPPA,
SOMVARPETE TALUK, ULLUGULLI
KODAGU, KARNATAKA - 571 237.
17. SRI NARAYANA H M
AGED ABOUT 56 YEARS,
S/O LATE H. MADA,
WORKING AS SWEEPER,
IN GONIKOOPALU POLICE STATION,
& CIRCLE OFFICE, VIRAJPET TALUK
R/AT WARD NO.3, 2ND BLOCK,
ARAVATHOKLU, VIRJPET TALUK,
KODAGU - 571 213.
18. SMT. P K LEELA
AGED ABOUT 54 YEARS,
W/O LATE CHINNAPPA,
WORKING AS SWEEPER,
IN RURAL POLICE STATION,
MADIKERI

R/AT PUTANI NAGARA,
MADIKERI, KODAGU - 571 201.

19. SMT. KUSUMA B N
AGED ABOUT 56 YEARS,
W/O NARAYANA
WORKING AS SWEEPER,
IN NAPOKLU POLICE STATION,
MADIKERI
R/AT NO.26, NAPOKLU,
MADIKERI, KODAGU-571 214.
20. SRI PUTTA NARASIMHAIAH
AGED ABOUT 52 YEARS,
S/O PUTTAPPA,
WORKING AS SWEEPER,
IN KODIGENA HALLI POLICE STATION,
R/AT 4TH BLOCK, A.K.COLONY,
KODIGENEHALLI HOBLI,
MADHUGIRI TALUK, TUMKUR
KARNATAKA - 572 127.
21. SRI THIMMAIAH
AGED ABOUT 46 YEARS,
S/O MADAPPA,
WORKING AS SWEEPER,
IN PAVAGADA POLICE STATION,
R/AT ADHARSH NAGAR,
A.K.COLONY, PAVAGADA (RURAL)
TUMKUR - 561 202.
22. SRI RANGARAJU
AGED ABOUT 41 YEARS,
S/O RANGASWAMY,
WORKING AS SWEEPER,
IN HOLLENARASIPURA POLICE STATION,
R/AT JANATHA COLONY,
BEHIND POLICE QUARTERS,
AMBEDKAR NAGARA,
HOLENARSIPURA
HASSAN - 573 211.
23. SRI R MANJUNATH
AGED ABOUT 42 YEARS,
S/O RANGAPPA,
WORKING AS SWEEPER,
IN HOSADURGA POLICE STATION,
R/AT KALKERE VILLAGE,

BALLALASAMUDHRA POST,
HOSADURGA TALUK,
CHITHRADURGA DISTRICT
KARNATAKA - 577 597.

24. SMT. KUPPAMMA
AGED ABOUT 51 YEARS,
S/O LATE MAGALI,
WORKING AS SWEEPER,
IN ILAVALA POLICE STATION,
R/AT NO.140, B.G.KOPPAL ROAD,
ILAVALA (VILLAGE HOBLI)
MYSORE DISTRICT - 571 130.
25. SRI B G DASHARATHA KUMAR
AGED ABOUT 58 YEARS,
S/O LATE GANGADARAIHAH
WORKING AS SWEEPER,
IN KARNATAKA POLICE ACADEMY MYSORE,
R/AT NO.1696, 2ND CROSS,
RAGHAVENDRA BADAVANE
MYSORE DISTRICT - 570 019.
26. SRI RACHAIAH @ RACHA
AGED ABOUT 57 YEARS,
S/O LATE CHIKKAVANU,
WORKING AS SWEEPER,
IN K.R.NAGARA TOWN POLICE STATION,
R/AT 5.KSDB-43, P.K.COLONY,
SRI ADUGHAKATI BADAVANE,
K.R.NAGARA TALUK
MYSORE DISTRICT - 571 602.
27. SRI D JAYARAMAIAH
AGED ABOUT 52 YEARS,
S/O LATE DURGAPPA,
WORKING AS SWEEPER,
IN Y N HOSAKOTE TOWN POLICE STATION,
R/AT A/1 BLOCK, AMBEDKAR NAGAR
Y N HOSAKOTE
TUMKUR - 572 141.
28. SRI K N JAYARAMAIAH
AGED ABOUT 47 YEARS,
S/O LATE B K NARASIYAPPA
WORKING AS SWEEPER,
IN KORATAGER POLICE STATION
R/AT KAMARAJANAHALLI,

HULIKUNTE (PO) KASABA HOBLI,
KORATAGERE TALUK,
TUMKUR - 572 129.

29. SRI PUTTASWAMY
AGED ABOUT 39 YEARS,
S/O RANGAIAH
WORKING AS SWEEPER,
IN HONAVALLI POLICE STATION
R/AT HONAVALLI VILLAGE,
TIPUTR TALUK, HONAVALLI HOBLI
TUMKUR - 572 217.
30. SRI G MALLIKARJUNAIAH
AGED ABOUT 52 YEARS,
S/O LATE GANGAIAH
WORKING AS SWEEPER,
IN DYSP OFFICE, TUMKUR
R/AT M.PALYA HULIYARU HOBLI,
YALANADU (PO) C N HALLI,
TUMKUR - 572 218.
31. SRI T CHANDRANNA
AGED ABOUT 52 YEARS,
S/O T N MARALUSIDDAIAH
WORKING AS SWEEPER,
IN TIPTUR RURAL POLICE STATION, TUMKUR
R/AT #554-2, A.K.COLONY,
1, 2ND MAIN ROAD, TIPTUR
TUMKUR - 572 201.

...PETITIONERS

(BY SMT. REVATHY ADINATH NARDE, ADV.)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF FINANCE,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOME
VIDHANA SOUDHA
BENGALURU - 560 001.

3. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE
NO.2, NRUPATHUNGA ROAD,
BENGALURU - 560 001.
4. THE SUPERINTENDENT OF POLICE
KOLAR DISTRICT
KOLAR - 563 101.
5. THE SUPERINTENDENT OF POLICE
BELLARY DISTRICT
BELLARY - 583 104.
6. THE SUPERINTENDENT OF POLICE
MADIKERE DISTRICT
MADIKERE - 571 201.
7. THE SUPERINTENDENT OF POLICE
TUMKURU DISTRICT
TUMKURU - 572 101.
8. THE SUPERINTENDENT OF POLICE
HASSAN DISTRICT,
HASSAN - 573 201.
9. THE SUPERINTENDENT OF POLICE
CHAMARAJANAGARA DISTRICT
CHAMARAJANAGARA - 571 440
10. THE SUPERINTENDENT OF POLICE
MANDYA DISTRICT
MANDYA - 571 401.
11. THE SUPERINTENDENT OF POLICE
CHITRADURGA DISTRICT
CHITRADURGA - 577 501.
12. THE SUPERINTENDENT OF POLICE
MYSORE DISTRICT
MYSORE - 570 001.

...RESPONDENTS

(BY SRI. HARISHA A.S., AGA FOR R1 TO R12)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO CALL FOR ENTIRE RECORDS PERTAINING TO THE APPLICATION NO. 2083-2116/2018 BEFORE THE TRIBUNAL; QUASH THE IMPUGNED ORDER PASSED IN A.NO.2083-2116/2018 DATED 21.06.2018 BY THE KARNATAKA

ADMINISTRATIVE TRIBUNAL MARKED AT ANNEXURE-A WITH REFERENCE TO THE PETITIONER 1 TO 31 AND ETC.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDER ON **13.07.2026** COMING ON THIS DAY, **S.G.PANDIT J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioners, working/retired as Sweepers are before this Court aggrieved by the order dated 21.06.2018 passed in Application Nos.2083-2116/2018 by the Karnataka State Administrative Tribunal at Bengaluru (for short "Tribunal"), whereunder, the petitioners' prayer to quash Annexure-A6/order dated 07.07.2017, prohibiting engaging skilled or unskilled workers under Contingency Fund is rejected. Further, petitioners' prayer for regularization of their services and consequential benefits is also rejected.

2. The brief facts of the case are that:

The petitioners are working or retired as part-time Sweepers. They are working as such for more than 15 to

25 years, doing full-time job. The petitioners are engaged as Sweepers under orders/memo of the Superintendent of Police of the respective Districts to work at the Police Stations assigned to them. The memo issued by the Superintendent of Police of respective Districts in respect of certain of the petitioners are placed on record, whereunder, the petitioners are engaged as Sweepers initially on payment of Rs.200 to Rs.300/- p.m., which subsequently enhanced to Rs.1,000/- p.m. The order dated 19.08.2013 indicates that the monthly payment of part-time Sweepers was enhanced to Rs.3,000/- p.m. It is the case of the petitioners that under letter dated 26.11.2009 of DG & IG/3rd respondent herein sought for enhancement of salary/wages to the part-time Sweepers on the ground that they are working for full-time. It is further case of the petitioners that though their designation or nomenclature is part-time Sweepers, they are performing whole-time duty. When such being the situation, the Government issued an order dated 07.07.2017 prohibiting engagement of part-time skilled or

unskilled workers and also prohibited payment under Contingency Fund. Challenging the said Government Order and with a prayer to regularize the services of the petitioners, the petitioners were before the Tribunal. The Tribunal, under the impugned order rejected the prayer of the petitioners on the ground that the petitioners would not fulfill the criteria laid down by the Hon'ble Apex Court in ***SECRETARY, STATE OF KARNATAKA v/s UMADEVI*** reported in ***(2006) 4 SCC 1***. Questioning the said order, petitioners are before this Court in this writ petition.

3. Heard learned counsel Smt.Revathi Adinath Narde for petitioners and learned AGA Sri.Harisha A.S. for respondent No.1. Perused the entire writ petition papers.

4. Learned counsel for the petitioner Smt.Revathi Adinath Narde would submit that the Tribunal failed to appreciate the fact that the petitioners were initially though engaged on part-time basis as Sweepers by memo/order of the Superintendent of Police, they were discharging whole-time duty. Learned counsel would

further submit that the recommendation of the DG & IG under letter dated 26.11.2009 (Annexure-A3) addressed to the Additional Chief Secretary would indicate that the petitioners were discharging full-time duty as Sweepers. It is submitted that the petitioners are working as Sweepers for a very long time i.e., for 15 to 25 years. Since the petitioners are working for a very long period, it is to be presumed that there is need of services of the petitioners. Further, learned counsel would point out that the petitioners are Sweepers working at Police Stations assigned to them and there are no Sweepers other than the petitioners in that particular Police Station. As such, services of the petitioners are to be considered as necessary or that the services of the petitioners are very much required at the Police Stations.

5. Learned counsel Smt.Revathi Adinath Narde would also submit that the Tribunal allowed the applications of similarly situated persons by order dated 10.09.2015 in Applications No.574-576/2015 as well as the order dated 19.04.2023 in Application No.4718/2022. Learned counsel

for the petitioners further places reliance on a recent judgment of the Hon'ble Apex Court in **JAGGO AND OTHERS v/s UNION OF INDIA AND OTHERS** reported in **2024 SCC OnLine SC 3826** to contend that the long continuance of the petitioners would mean that they are working against the sanctioned posts and their services are necessary and required for the respondents. Thus, she would pray for allowing the writ petition.

6. On the other hand, learned AGA Sri.Harisha would support the order passed by the Tribunal. Further, he would submit that the petitioners are not working against sanctioned posts and further he submits that they are only part-time Sweepers. It is the specific contention of the learned AGA that petitioners are working only for few hours in a day and as such, they cannot seek for regularization. Learned AGA also submits that the petitioners would not fulfill the criteria laid down by the Hon'ble Apex Court in **UMADEVI** (supra) for regularization and since the petitioners are only part-time Sweepers,

they would not be entitled for relief of regularization. Thus, he would pray for dismissal of the writ petition.

7. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the only point which falls for our consideration is, in the facts and circumstances of the present case, whether the petitioners would be entitled for regularization.

8. Answer to the above point would in the affirmative for the following reasons:

The engagement/appointment of petitioners as Sweepers under memo/order of the Superintendent of Police of the respective Districts is not in dispute. Annexure-A series memorandum of Superintendent of Police of respective Districts would indicate the engagement of the petitioners, initially on monthly payment of Rs.300/- and subsequently it is increased to Rs.3,000/- under order dated 19.08.2013 of the Superintendent of Police, Mysore District. Certain of the memos/orders engaging petitioners would indicate that

the petitioners were assigned to respective Police Stations for the work of Sweepers. The engagement of certain of the petitioners is from the year 1998 onwards. The engagement of the petitioners as Sweepers for very long period of more than 15 to 25 years would establish the necessity of services of the petitioners as Sweepers. Though the order of engagement would indicate that the petitioners are engaged as part-time Sweepers, (Annexure-A3), the correspondence between the 3rd respondent and State Government would indicate that the petitioners are working on full-time as Sweepers and their services are very much needed for the department.

9. The Hon'ble Apex Court in **JAGGO** (supra) taking note of the decision of the Hon'ble Apex Court in **UMADEVI** (supra) at paragraphs 24 to 27 has held as follows:

"24. The landmark judgment of the United State in the case of Vizcaino v. Microsoft Corporation serves as a pertinent example from the private sector, illustrating the consequences of misclassifying employees to circumvent providing benefits. In this

case, Microsoft classified certain workers as independent contractors, thereby denying them employee benefits. The U.S. Court of Appeals for the Ninth Circuit determined that these workers were, in fact, common-law employees and were entitled to the same benefits as regular employees. The Court noted that large Corporations have increasingly adopted the practice of hiring temporary employees or independent contractors as a means of avoiding payment of employee benefits, thereby increasing their profits. This judgment underscores the principle that the nature of the work performed, rather than the label assigned to the worker, should determine employment status and the corresponding rights and benefits. It highlights the judiciary's role in rectifying such misclassifications and ensuring that workers receive fair treatment.

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 long-term 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.

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.”

10. The Hon’ble Apex Court in the above decision has observed that 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. Further, Hon’ble Apex Court in ***SUKHENDU BHATTACHARJEE AND OTHERS v/s STATE OF ASSAM AND OTHERS*** reported in ***2026 SCC Online 909*** taking into consideration the case of UMADEVI (supra), JAGGO (supra) and other cases in the matter of regularization has

held that the judgment in UMADEVI (*supra*) cannot be invoked as a blanket barrier to justify prolonged and continued engagements of a temporary or ad hoc nature, especially where employees have been discharging essential and recurring functions of the State. Relevant paragraphs 76 and 77 reads as follows:

“76. What emerges from the principles enunciated in the aforesaid decisions is that the State cannot rely upon the mere form of engagement to deny fair and equitable treatment to employees who have served it for long years. The consistent thread running through these judgments is that *Umadevi (supra)* cannot be invoked as a blanket barrier to justify prolonged and continued engagements of a temporary or ad hoc nature, especially where the employees have been discharging essential and recurring functions of the State. The Court has repeatedly emphasised that the distinction between “illegal” and “irregular” appointments must be kept in view, that long and continuous service is a relevant consideration, and that the State, as a model employer, is under a constitutional obligation to act with fairness, consistency and reasonableness. The practice of retaining employees for decades under deceptively titled designations, while simultaneously extracting regular work integral to

the administration, has been disapproved consistently.

77. Applying these principles to the present case, it is evident that engaging workers on muster rolls was a consistently employed policy of the State which continued for prolonged period of time. The appellants were not engaged for sporadic or seasonal purposes but were taken on muster rolls and have rendered continuous service for decades in departments performing regular governmental functions. The State itself acknowledged the magnitude of the issue and framed a Cabinet policy to regularize similarly situated workers, acting upon it in respect of nearly 30,000 employees. In such circumstances, to deny consideration to the fraction of remaining eligible workers including the appellants, by taking shelter under a rigid reading of Umadevi (supra) would defeat the very principles of fairness and non-arbitrariness that this Court has consistently upheld."

11. The Tribunal in Applications No.574-576/2015 by its order dated 10.09.2015 directed the respondents i.e., DG and IG and State by Home Department to regularize the services of the applicants therein who were also Sweepers. The said order of the Tribunal was challenged by the respondent-State in W.P.No.39280/2016 **(THE STATE OF**

KARNATAKA AND OTHERS v/s SMT.THIMMAMMA

AND OTHERS) and connected writ petitions before this Court. This Court, by order dated 09.08.2016 dismissed the writ petitions. Relevant paragraphs 3 to 5 reads as follows:

"3. Upon hearing the learned Advocates appearing on both the sides, it appears that similar orders passed by the Tribunal in respect of applicants working as Sweepers came to be challenged before this Court in W.P.no.41225/2015 and allied matters, wherein this Court vide order dated 01.06.2016, has not interfered with the orders passed by the Tribunal and the said petitions were dismissed.

4. We may record that this Court in the above referred order dated 01.06.2016 has observed thus:

" As in all these petitions, common order of the Karnataka Administrative Tribunal (hereinafter referred to as 'the Tribunal' for the sake of brevity) is challenged, they are considered simultaneously.

2. These petitions are directed against the orders dated 21.08.2013 and 12.06.2015 passed by the Tribunal, whereby the Tribunal for the reasons recorded in the order has directed the respondents to regularize the services of the applicants and grant all further consequential benefits.

3. We have heard Mr.H.T.Narendra Prasad, learned AGA for the petitioners and Smt.Revathy Adinath Narde, learned counsel appearing for the respondents in W.P.No.41225/2015 c/w W.P.Nos.45502 and 45932-935/2015.

4. As such, if the order of the Tribunal is considered, it has relief upon the decisions of the Apex Court in the case of **Secretary, State of Karnataka and Others VS Umadevi (3) and Others** reported at **2006 (4) SCC 1** read with the subsequent decision of the Apex Court in the case of the **State of Karnataka and Others Vs. M.L.Kesari and Others** reported at (2010) 9 SCC 247, whereby the direction was issued by the Apex Court to consider as one time measure to all those employees who were working on temporary basis but completed ten years of service as on 10.04.2006 for the purpose of regularization.

5. However, the learned AGA appearing for the petitioners contended that the respondents were paid out of contingency fund and therefore no regular posts were available at the relevant point of time when they were appointed. Such being a distinguishing circumstances, the decision of the Apex Court in the case of **Uma Devi** (supra) read with the subsequent decision of the Apex Court in the case of **M.L.Kesari** (supra), would not be applicable.

6. When we put a query to the learned AGA to show any material on the basis of which the contention can be supported that the posts were not available and the respondents were to be paid from contingency fund, he is unable to show any contemporaneous record neither produced before the Tribunal or before this Court.

7. Only a lame attempt was made by the learned AGA by relying upon the order dated 20.10.1981 (copy whereof is produced at Annexure 'A1') to show that there were no regular posts and the payments were to be made from Contingency Fund.

8. In our view, even if the document at Annexure 'A1' dated 20.10.1981 is considered, there is no reference whatsoever to posts temporarily created nor to the disbursement of the salary from the contingency fund. On the contrary, the perusal of the order shows that when the respondents were appointed, they were made entitled to the regular pay scale of Rs.250-200 per month. Merely because the word used in "temporarily", it cannot be read to dilute the effect of the decision of the Apex Court in the case of **Uma Devi** (supra). On the contrary, the decision of the Apex Court in case of **Uma Devi** (supra), is essentially with the purpose that if the regular scales were being paid and regular posts were available, merely because the appointments were given on temporary basis should not be a ground to deprive those employees of their legitimate pensionary and other benefits if they have continued in service for a period of ten years on 10.04.2006 on temporary basis. Hence, the contention cannot be accepted.

9. In view of the above, read with the reasons records by the Tribunal, we do not find any case made out for interference. Hence, all the petitions are dismissed.

5. Learned counsel appearing for petitioners is not in a position to show any distinguishing circumstance and hence, the present petitions in view of the reasons recorded by us hereinabove, deserve to be dismissed. The petitions are dismissed accordingly."

12. The contentions urged by the learned AGA in the present writ petition, such as, petitioners were not appointed against the sanctioned posts and that the petitioners were part-time Sweepers were considered and answered by a co-ordinate bench of this Court in the above extracted decision. It is also brought to our notice that the above order of co-ordinate bench dated 09.08.2016 in W.P.No.39280/2016 and connected writ petitions was taken up to the Hon'ble Apex Court in SLP No.21311/2020 and the said SLP was dismissed on the ground of delay as well as on merits.

13. When the similarly situated Sweepers are granted relief of regularization in the above stated writ petitions, the petitioners herein would also be entitled for relief on the ground of parity. The Tribunal failed to notice the correspondence between third respondent and first respondent-State with regard to the work carried out by the petitioners on full-time basis and wrongly applying the principles of **UMADEVI** (supra) rejected the applications of the petitioners.

14. For the reasons recorded above, the petitioners are entitled for the relief sought with the following order:

(i) The writ petition is ***allowed***.

(ii) The order dated 21.06.2018 passed in Application Nos.2083-2116/2018 by the Tribunal is set aside.

(iii) The respondents are directed to consider and regularize the services of the petitioners as Sweepers and to grant all consequential benefits.

(iv) Time for compliance: Three months from the date of uploading this order in the official website of High Court of Karnataka.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

MPK
CT:bms