



2026:UHC:2326-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

1st April, 2026

Special Appeal No. 30 of 2026

Vivek Mashih

-----Appellant

Versus

State of Uttarakhand & others

-----Respondents

Presence:-

Mr. Bhavya Singh, learned counsel holding brief of Mr. Sanpreet Azmani, learned counsel for the appellant.

Mr. Gajendra Tripathi, learned Standing Counsel for the State of Uttarakhand/respondents no. 1 to 3.

Mr. Neeraj Garg, learned counsel for the respondent no. 4.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. The present *intra court* appeal is directed against the order of learned Single Judge dated 11.12.2025 in Writ petition(S/S) No. 882 of 2025 and other connected writ petitions, wherein the contractual employees engaged through UPNL have essentially challenged the orders dispensing with their services on the ground that the services were not required any further.

2. The appellant was working as Data Entry Operator in the office of Assistant Commissioner, Trade Tax, Division-1, Rudrapur, District Udham Singh Nagar. The appellant relied on the judgment of this Court



passed in *WPPIL No. 116 of 2018, Kundan Singh vs. State of Uttarakhand & others*, wherein this Court had issued directions to the State to frame scheme for regularization of contractual employees and to pay minimum of the pay scale to them. The learned Single Judge has duly taken into consideration the said judgment and also the stand of the State that the claim of the appellant for regularization and other benefits has to be considered in accordance with the Regularization Rules amended on 05.12.2025. The learned Single Judge has also taken note of the plea of the petitioner that the Regularization Rules does not contemplate regularization of out-sourced employees. Thereafter, taking note of the judgment of the Division Bench, the writ petition has been disposed of with liberty to the petitioner to make representation to Secretary, Finance within two weeks with further direction to the State to decide the same. The interest of the appellant/petitioner has been protected by providing that the services of the petitioner shall not be discontinued and artificial break given shall be ignored.

3. Learned counsel for the appellant submits that, in other petitions, an interim order has been passed, whereas the same has been denied to the



appellant.

4. As noted, the learned Single Judge has already protected the interest of the appellant by providing that his services shall not be discontinued and that artificial break shall be ignored.

5. Accordingly, we find no good ground to interfere with the order of the learned Single Judge. It is left open to the petitioner/appellant to make representation in terms of the order of learned Single Judge within a further period of two weeks from today, if not already made, and the same shall be decided by the State, strictly in accordance with order of learned Single Judge.

6. The appeal stands disposed of.

7. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 01.04.2026
Kaushal