



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 2121 of 2023

24th August, 2026

Poonam Bahuguna

--Petitioner

Versus

1: State of Uttarakhand

2: Advocate General of Uttarakhand at Nainital

--Respondents

Presence:-

Mr. M.C. Pant, Mr. D.N. Sharma and Ms. Manju Bahuguna, Advocates for petitioner.

Mr. Pradeep Hairiya, learned Addl. CSC for the State-respondent no.1.

Mr. Rahul Verma, learned Addl. AG for respondent no.2.

Hon'ble Pankaj Purohit, J. (Oral)

By means of this petition, petitioner has challenged the order dated 16.10.2023 whereby petitioner, who was working as a contractual employee with respondent no.2 since 2007, was asked to enroll herself with some outsourcing agency, and furnish details thereof, else her services would be deemed to be terminated automatically. A further writ of mandamus is sought to regular the services of petitioner.

2. It is the case of petitioner, in brief, that petitioner was engaged as a contractual employee with respondent no.2 in the year 2007, and since then, she has been regularly working as such without any break in the library of respondent no.2. Petitioner was paid the minimum of pay scale, as admissible to a regular Class-III employee with effect from the year 2010. However, suddenly, vide order dated 16.10.2023, respondents tried to change the condition and nature of service of petitioner and asked her to continue as an outsource employee through an outsourcing agency. The said order is



challenged by petitioner in the present petition on the ground that she has been working with respondent no.2 since 2007, and is also getting minimum of pay scale w.e.f. 2010, therefore, the impugned order is illegal, arbitrary and the same may be quashed. Petitioner further prayed for her regularization on the post of Assistant Librarian since 2007.

3. Respondent no.2 has filed its counter affidavit disputing the fact that the petitioner is working since 2007. It is stated by respondent no.2 that rather, petitioner had moved an application on 08.12.2009, on the basis of which, she was engaged as a contractual employee. However, it is not denied that petitioner is working regularly and is being paid minimum of scale of the post of regular Junior Assistant. It is further stated in the counter affidavit that regularization of the service of petitioner is under process, as informed by Law Secretary vide its order dated 07.07.2023.

4. The State has also filed its counter affidavit and stated that though 122 posts in different cadres is sanctioned in the office of respondent no.2 in which there is no post of Assistant Librarian. It is further clarified that even under the rules known as 'Uttarakhand Advocate General Office Establishment (Service of Employees) Rules, 2013', there is no post of Assistant Librarian sanctioned in the office of respondent no.2.

5. Petitioner has also filed her rejoinder affidavit in which the contentions made in writ petition have been reiterated. It is further stated that petitioner is working in the office of respondent no.2 in Library as Junior Assistant (Contract) since July, 2007, as is reflected from the noting sheet by the Advocate General, which is annexed as



Annexure No.RA1 to the rejoinder affidavit.

6. It is then submitted by learned Counsel for petitioner that since the petitioner has been working since 2007 in library, as admitted by respondent no.2, in the capacity of Junior Assistant, therefore, the version which has come in the counter affidavit is totally belied and cannot be relied upon by this Court.

7. Learned Counsel for petitioner further submits that petitioner fulfils the eligibility criteria to be regularized on the post of Junior Assistant with respondent no.2, and since she has given almost 19 years of her life and youth in the service of respondent no.2, though on contractual basis, at this stage, she cannot be thrown out in the present manner, and she deserves to be regularized on the post of Assistant Librarian or Junior Assistant, whichever Class-III post is available, in the office of respondent no.2.

8. It is further submitted by petitioner's counsel that the averments made by respondent no.2 in the counter affidavit on the basis of letter dated 07.07.2023 of Law Secretary that the matter of regularization of petitioner is under progress is concerned, it is submitted that amended rules have been framed by the State Government on 05.12.2025 known as 'Daily Wage, Work-Charged, Fixed-Pay, Part-Time and Ad-hoc Employees Regularisation (Amendment) Rules, 2025' which are applicable to all the employees of the State government as also to the office of respondent no.2, and copy of such rules have also been sent to the office of respondent no.2. In the said rules, cut-off date for regularization of daily wage, work-charged, contract, fixed pay, part-time and ad-hoc employees is '04.12.2018', by which time, such incumbent should have completed ten years of continuous service.

9. Learned Additional Advocate General appearing



for respondent no.2 has supported the case of respondent no.2, as put in, in its counter affidavit. But he cannot deny the fact that in the noting of learned Advocate General, the date of service of petitioner is mentioned since July, 2007.

10. It is further submitted by learned Additional Advocate General that at present, the Advocate General has no power to regularize the services of petitioner.

11. Learned State Counsel has drawn attention of this Court to the supplementary affidavit filed by petitioner, wherein, it is stated that the case of petitioner has been disposed of by respondent no.2 pursuant to order passed by the Co-ordinate Bench of this Court on 10.09.2025 regarding the claim of petitioner for regularization.

12. Learned Counsel appearing for respondent nos.1 and 2, at this juncture, submit that the matter was sent to the State Government and no decision has been taken thereon regarding the regularization of petitioner on the post of Assistant Librarian or any equivalent post like Junior Assistant.

13. Having heard learned Counsel for the parties and having perused the documents available on record as well as the relevant Rules governing the field, this Court is of the view that since the petitioner has been working with respondent no.2 in the library on the post of Junior Assistant as admitted by respondent no.2 himself since July 2007, the petitioner cannot be left at the mercy of respondents. She deserves to be regularized on the said post under the Regularization Rules, of 2013 which were subsequently amended in 2025. Petitioner has already completed 10 years required service on 04.12.2018 on the cut-off date as per Rules of 2013, as amended in 2025. Petitioner has been continuously working in the office of



respondent no.2 for last 19 years and is also getting minimum of pay scale of Junior Assistant for the last 16 years. Petitioner has spent all her life and youth in the service of respondent no.2, and at present, relief of regularization cannot be denied to her. The respondents cannot be permitted to exploit the youth and education of petitioner in such a manner by keeping her on contract for a long period of time without any reason. The work discharged by petitioner is perennial in nature as reflected from her long engagement and her services are required too.

14. The argument advanced by respondents that the Advocate General is not empowered to make order of regularization does not hold any water as under the Rules known as 'Uttarakhand Advocate General Office Establishment (Service of Employees) Rules, 2013', the Advocate General is the appointing authority so far as the post of Junior Assistant is concerned. The petitioner deserves to be regularized under the Rules of 2013 as amended in the year 2025 in which the petitioner falls under the bracket of cut-off date i.e. 04.12.2018.

15. In such view of the matter, writ petition is allowed. Impugned order dated 16.10.2023 along with notice dated 31.10.2023 is quashed qua petitioner only. Respondent no.2 is directed to consider the case of petitioner for regularization as Junior Assistant in Library or any Class-III post in office of Advocate General, within two months from the date of production of a certified copy of this order.

16. Pending application, if any, stands disposed of.

(Pankaj Purohit, J.)
24.08.2026