IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 315 of 2025

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1. Dharo Oraon, aged about 40 years, S/o Shri Jawra Oraon, resident of Village - Brambe, P.O & P.S - Mandar, Dist - Ranchi.
2. Arun Kumar Sahu, aged about 38 Years S/o Late Lakhichand Sahu, resident of Village New Mahavir Nagar Nonge, Jaipur, P.O Ranch. Gandhinagar, P.S., , Kanke, District Ranchi.
3. Gautam Prasad Singh, aged about 34 years, son of Mahesh Prasad Singh, resident of Shivpur, Baeur Mod, Near Children Park, P.O Anisabad, P.S. Gardanibagh, District Patna (Bihar).
4. Aashish Ranjan, aged about 37 years, S/o Nandlal Singh, resident of Ashok Samarath, B.D.O. Khatal, near Punujabi Gali, Namkum Railway Station, P.O & P.S. Namkum, District Ranchi.
5. Pradip Bada, aged about 37 years, S/o Gabril Bada, resident of 582, Village Krauda Beda, Pinjradepa, P.O & P.S. Palkot, District Gumla.
6. Vishnu Deo Shah, aged about 47 years, S/o Late Kari Shah. resident of R.C.H. Colony, P.O & P.S. Namkum, Ranchi. District Ranchi.
7. Arbind Kumar Singh, aged about 47 years, Son of Late Kameshwari Prasad Singh, resident of A/301, Vaishnavi Apartment, Harmu Argora Bye Pass, P.O - Harmu, P.S. - Argora; District Ranchi.
8. Ajay Kumar Razak, aged about 38 years, S/o Suresh Razak, resident of Nayachak Colony, P.O - Manoharpur Kachuara, P.S. Ramkrishna Nagar, District - Patna (Bihar).
9. Santosh Kumar Ram, aged about 33 years, S/o Late Shivnandan Ram, resident of Joda Talab, Sradha Nand Colony, Bariatu, P.O & P.S. - Bariatu, District - Ranchi.

..... Petitioner (s)

Versus

1. State of Jharkhand through the Chief Secretary, Government of Jharkhand, having office at Project Building, Dhurwa, P.O. -Dhurwa, P.S. - Jagarnathpur, District - Ranchi.
2. Building Construction Department through its Secretary, Government of Jharkhand, having office at Project Building, Dhurwa, P.O. - Dhurwa, P.S. - Jagarnathpur, District - Ranchi.
3. Department of Health, Medical Education & Family Welfare through its Secretary, Government of Jharkhand, having office at Project Building, Dhurwa, P.O. - Dhurwa, P.S. - Jagarnathpur, District- Ranchi.

4. Department of Planning-cum-Finance through its Secretary, Government of Jharkhand, having office at Project Building, Dhurwa, P.O. - Dhurwa, P.S. - Jagarnathpur, District - Ranchi.
5. Under Secretary, Building Construction Department, Government of Jharkhand, having office at Project Building, Dhurwa, P.O. - Dhurwa, P.S. - Jagarnathpur, District - Ranchi.
6. Engineer-in-Chief, Building Construction Department, Government of Jharkhand, having office at Project Building, Dhurwa, P.O. - Dhurwa, P.S. - Jagarnathpur, District - Ranchi. **..... Respondent(s)**

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CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mr. Amritansh Vats, Advocate
For the Respondent : Mr. Abhinay Kumar, A.C. to G.A.-I

C.A.V. ON: 19/08/2026 **PRONOUNCED ON:14/09/2026**

1. Heard learned counsel for the parties.

2. The instant writ application was initially preferred by the petitioners praying therein for the following reliefs: -

> *(i) For issuance of an appropriate writ in the nature of certiorari or any other appropriate writ(s), order(s) or direction(s) for quashing the office orders dated 14.08.2024 (Annexure-19 Series) issued under the signature of Under Secretary, Department of Building Construction, whereby the claim of the regularizations of the petitioners were rejected.*
> *(ii) For issuance of a further appropriate writ in the nature of mandamus or any other appropriate writ(s), order(s) or direction(s) commanding upon the respondents to regularize the services of the petitioners with all consequential benefits since the petitioners have worked continuously for more than 10 years on the vacant and sanctioned posts fulfilling all the criteria of the amended Regularisation Rules of the Government of Jharkhand dated 20.06.2019 (Annexure-11);*
> *(iii) To show cause the respondent authorities that under what power and authority without complying the directions issued in Judgment dated 15.01.2024 passed in W.P (S) No. 1021 of 2020, the individual representations of the petitioners have been decided by the officer of the rank of Under Secretary, Building Construction Department without forming a high-power committee and giving the opportunity of hearing to the petitioners."*

3. During pendency of this application, one Interlocutory Application being I.A. No. 10895/2026 has been filed for amending the paragraph – 1 and prayer portion of the writ petition for adding additional prayer i.e. *issuance of mandamus directing upon the respondents to reinstate the petitioners on their respective posts with all consequential benefits*.

4. Since, there is no objection from the respondents, accordingly, I.A. No. 10895/ 2026 stands allowed and the same is being treated as part of this writ petition.

5. With consent of the parties, the matter was taken up for hearing on the same date i.e. 19.08 2026.

6. Brief facts of the case as per the pleadings are that the petitioners were appointed on the post of Clerk, Typist, Coordinator, Driver, Pump Operator in the Department of Health, Medical Education and Family Welfare, Government of Jharkhand on contractual basis. All of them were appointed as a support staff on contractual basis in the engineering cell of the Department and their contractual period has been extended from time to time after approval of committee constituted by the Department.

7. The petitioners were working regularly without any break in service since the date of their initial appointment and have received monthly remuneration and allowance till January, 2017, but thereafter, they were not allowed to give their services on the said posts. The service record of the petitioners is given herein below in the chart: -

Sl. No.	Name of Employee	Post	Date of Joining	Service Status
1.	Dharo Oraon	Clerk	01.06.2004	Contract
2.	Arun Kumar Sahu	Driver	01.10.2004	Contract
3.	Gautam Prasad Singh	Typist	01.04.2004	Contract
4.	Aashish Ranjan	Office Assistant	04.06.2004	Contract
5.	Pradip Bada	Driver	04.07.2008	Contract
6.	Vishnu Deo Shah	Pump Operator	01.02.2005	Contract
7.	Arbind Kumar Singh	Driver	01.06.2005	Contract
8.	Ajay Kumar Razak	Driver	01.06.2005	Contract
9.	Santosh Kumar Ram	Driver	01.06.2005	Contract

8. Vide resolution as contained in Memo No. 1050, dated 08.04.2016, the Engineering Cell of all the Departments including the Department of Health, Education and Family Welfare, Government of Jharkhand were merged with newly formed Department, i.e. Department of Building Construction w.e.f. 01.04.2016. But, the services of all the Junior Engineers and Class – III & IV employees were returned to their parent Department vide office order dated 02.05.2016.

9. Thereafter, the petitioners have moved before this Court in *W.P (S) No. 4790 of 2016*, which was disposed of vide order dated 04.02.2017 directing the Respondent-Building Construction Department to regularize the services of petitioners on different class-IV posts.

10. Subsequently, the said order was challenged by the Respondent-State through *L.P.A. No. 496 of 2017*, which was dismissed vide order dated 09.04.2018 with a cost of Rs. 25,000/-.

11. Thereafter, the petitioners have filed contempt application, which was dropped in light of the fact that the Respondents have passed an order not to regularize the services of the petitioners by assigning the reason.

12. The said reasoned order was further assailed by the petitioner through *W.P (S) No. 1021 of 2020*, which was allowed

vide judgment dated 15.01.2024 by quashing the reasoned order passed by the Respondent and further the directions have been issued to consider the case of the petitioners for regularization in light of the judgments rendered by the Hon'ble Apex Court.

13. Subsequently, the Respondent-Building Construction Department vide different office orders dated 14.08.2024 had taken a decision that since the petitioners have not been appointed on sanctioned posts; nor they have been appointed by the competent authority and no approval for appointment was taken, hence, their services cannot be regularized.

Submissions on behalf of the Petitioners

14. Mr. Amritansh Vats, learned counsel for the petitioners submits that the petitioners were appointed on the posts of Clerk, Typist, Coordinator, Driver, Pump Operator, which are Class-III and Class-IV posts in the Department of Health, Medical Education & Family Welfare, Government of Jharkhand on contractual basis. The petitioners were duly appointed by the competent authority, which was duly approved by the ministry level.

15. Ld. Counsel further contended that all the petitioners were appointed as Support Staff on contractual basis in the Engineering Cell of the Health and Family Welfare Department, Govt. of Jharkhand and their extension of contractual period from time to time was duly approved by the Committee constituted by the Department and the same is evident from letter dated 29.8.2006 issued under the signature of the Deputy Secretary, Government of Jharkhand and the same is also evident from the Review Committee report of the Engineering Cell on contractual staff.

16. Ld. Counsel further contended that the petitioners were working continuously without any break in service from

the year 2004/2005 on contract till January, 2017 thereafter, the petitioners were not allowed to render their services in spite of the fact that they were regularly visiting the office, but they were not permitted to give their services.

17. It was also submitted that the petitioners have worked for more than 10 years on their respective posts without any break in service and without ever been found involved in any kind of indiscipline activities.

18. Mr. Abhinay Kumar, A.C. to G.A.-I, Ld. Counsel representing the State contended that as per the amended Regularization Rules, 2019, the petitioners do not fall under the ambit of the same and the petitioners are not entitled to get benefit as per the said Rules. The claim of the petitioners for regularization was rejected on the basis of non-compliance with the necessary criteria under the Regularization Rules, 2019 including lack of appointment letters, absence of compliance with reservation roasters and failure to follow proper recruitment procedures.

19. It was further contended by the Ld. Counsel that the petitioners were neither appointed on the sanctioned post; nor by any competent authority. Further, no any appointment letters were issued to them, and due process such as advertisement, reservation roaster compliance and public notification were not followed.

20. It was also contended on behalf of the Ld. Counsel representing the State that the office orders rejecting the petitioner's claim were issued in adherence to the provisions of Regularization Rules, 2019 after careful examination of relevant facts and circumstances. The Regularization Committee has submitted its findings that the petitioners do not fulfil criteria for regularization.

21. From bare perusal of the impugned orders, it

transpired that in sum and substance for not regularizing the services of the petitioners is that they were not appointed on sanctioned posts, their appointments were not approved by the competent authority, the due procedure for appointment has not been followed, the appointment letters were not issued to the petitioners, hence their services cannot be regularized.

22. So far as issue with regard to disengagement of the petitioners from the services, no formal order has been passed with respect to the same; nor any reasons for their disengagement have been assigned in the impugned order. Even in the counter affidavit, no stand has been taken with respect to disengagement of the petitioners.

23. The petitioners were not allowed or permitted to work by the respondent authorities after pronouncement of the order dated 04.02.2017 in *W.P (S) No. 4790 of 2016*, whereby, the coordinate Bench of this Court has passed the following orders: -

> ***"5.*** *Accordingly, in view of the aforesaid facts, it is ordered that the petitioners shall be paid salary till the month of January, 2017 and if they are continuing in service, they shall be paid their regular salary. The respondent no.6 shall initiate the exercise, within six months, for regularization of daily-wage employees working on different class-IV posts who stand transferred to the Corporation, in terms of 2015 Regularization Rules notified through Notification dated 13.02.2015.*
> ***6.*** *The writ petition stands allowed, in the aforesaid terms."*

24. From perusal of the documents annexed in the writ petition, it is evident that the petitioners were working on different posts as a contractual employee and their contractual period was extended time and again.

25. It further appears that the contention advanced by learned counsel for the respondents that the petitioners were neither appointed by the competent authority nor engaged against sanctioned posts is not acceptable to this Court. The materials on record clearly demonstrate that the appointment

of the petitioners had received the approval of the Principal Secretary of the Department, as is evident from the departmental file notings brought on record as Annexure-3 (Series) to the writ petition. The further contention regarding absence of sanctioned posts is also belied by the letter dated 28.04.2016, issued under the signature of the Chief Engineer, Department of Health, Medical Education and Family Welfare, which demonstrates that the petitioners were in fact working against sanctioned posts and has been brought on record as Annexure-4 (Series) to the writ petition. Thus, both the objections raised by the respondents stand contradicted by their own official records and cannot constitute a valid ground for denying the petitioners' claim.

26. Admittedly, the petitioners have worked for more than 10 years, without any break in service and without any allegation from any corner.

27. Now the question that arises for consideration for this Court that *whether the findings with respect to illegality in the appointments of the petitioners warrant an interference and whether the action of respondent authorities in forcibly disengaging the petitioners without assigning any reason just after the pronouncement of the order by the Coordinate Bench of this Court in W.P (S) No. 4790 of 2016 is a mala-fide and arbitrary action on the part of the authorities*.

28. To answer the said questions, it is necessary to look at the Judgements passed by the Hon'ble Supreme Court on the said issue.

29. The Hon'ble Supreme Court in the case of ***Jaggo v. Union of India*** reported in ***2024 SCC OnLine SC 3826*** has observed that the termination of the appellants' services immediately after they approached the Court for redressal appeared to be an attempt to defeat their legitimate claim for

regularization. The Hon'ble Court held that such action, was arbitrary and unsustainable in law, and accordingly directed their reinstatement in service. The relevant observations of the Hon'ble Apex Court are contained in paragraphs 14 and 16 of the judgment, which are extracted hereinbelow respectively;

> *"14. The abrupt termination of the appellants' services, following dismissal of their Original Application before the Tribunal, was arbitrary and devoid of any justification. The termination letters, issued without prior notice or explanation, violated fundamental principles of natural justice. It is a settled principle of law that even contractual employees are entitled to a fair hearing before any adverse action is taken against them, particularly when their service records are unblemished. In this case, the appellants were given no opportunity to be heard, nor were they provided any reasons for their dismissal, which followed nearly two decades of dedicated service."*
>
> *"16. The appellants' consistent performance over their long tenures further solidifies their claim for regularization. At no point during their engagement did the respondents raise any issues regarding their competence or performance. On the contrary, their services were extended repeatedly over the years, and their remuneration, though minimal, was incrementally increased which was an implicit acknowledgment of their satisfactory performance. The respondents belated plea of alleged unsatisfactory service appears to be an afterthought and lacks credibility."*
>
> *Emphasis Supplied*

30. The Hon'ble Supreme Court in the case of ***Jaggo v. Union of India*** reported in ***2024 SCC OnLine SC 3826*** has observed that mere nomenclature of the appointment cannot determine the nature of employment, and where the duties discharged are perennial and integral to the functioning of the establishment, regular posts have to be created for such duties. The relevant observations of the Hon'ble Apex Court are contained in paragraphs 13, 20, 22, and 25 of the judgment, which is extracted hereinbelow;

> *"13. The claim by the respondents that these were not regular posts lacks merit, as the nature of the work performed by the appellants was perennial and fundamental to the functioning of the offices. The recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled. It is also noteworthy that subsequent outsourcing of these same tasks to private agencies after the appellants' termination demonstrates the inherent need for these services. This act of outsourcing, which effectively replaced one set of workers with another, further underscores that the work in question was neither temporary nor occasional."*

"20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization. In a recent judgment of this Court in Vinod Kumar v. Union of India, it was held that held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed "temporary" but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgment have been reproduced below:

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7. The judgment in the case Uma Devi (supra) also distinguished between "irregular" and "illegal" appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case..."

"22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

"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.*

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*. **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.*
>
> ……
>
> *Emphasis Supplied*

31. The Hon'ble Supreme Court in ***Dharam Singh and Ors. V. State of U.P. and Anr.*** reported in ***2025 SCC OnLine SC 1735*** has observed that where the employees have been continuously engaged in discharging duties integral to the functioning of the establishment for a prolonged period, the perennial nature of such work stands established. It was held that the employer cannot continue to avail such services for decades and thereafter seek to deny regularization by taking the plea of absence of sanctioned posts, as such a stand is wholly untenable in law. The relevant observations of the Hon'ble Court are contained in paragraphs 9,17,18,19 and 20 of the judgment, which is extracted hereinbelow;

> *"9. Moreover, it is undisputed that the nature of work performed by the appellants, i.e. sorting and scrutiny of applications, dispatch and office support, and driving, has been continuous and integral to the Commission's functioning since their engagement between 1989 and 1992. The Commission itself moved for sanction of fourteen posts and furnished a list of fourteen daily wagers including the appellants. That consistent internal demand, coupled with uninterrupted utilisation of the appellants' labour on regular office hours, fortifies the conclusion that the duties are perennial. To continue extracting such work for decades while pleading want of sanctioned strength is a position that cannot be sustained."*
>
> *"17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines."*
>
> *"18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly*

placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running."

"19. Having regard to the long, undisputed service of the appellants, the admitted perennial nature of their duties, and the material indicating vacancies and comparator regularisations, we issue the following directions:

i. ***Regularization and creation of Supernumerary posts:*** *All appellants shall stand regularized with effect from 24.04.2002, the date on which the High Court directed a fresh recommendation by the Commission and a fresh decision by the State on sanctioning posts for the appellants. For this purpose, the State and the successor establishment (U.P. Education Services Selection Commission) shall create supernumerary posts in the corresponding cadres, Class-III (Driver or equivalent) and Class-IV (Peon/Attendant/Guard or equivalent) without any caveats or preconditions. On regularization, each appellant shall be placed at not less than the minimum of the regular pay-scale for the post, with protection of last-drawn wages if higher and the appellants shall be entitled to the subsequent increments in the pay scale as per the pay grade. For seniority and promotion, service shall count from the date of regularization as given above.*

ii. ***Financial consequences and arrears:*** *Each appellant shall be paid as arrears the full difference between (a) the pay and admissible allowances at the minimum of the regular pay-level for the post from time to time, and (b) the amounts actually paid, for the period from 24.04.2002 until the date of regularization/retirement/death, as the case may be. Amounts already paid under previous interim directions shall be so adjusted. The net arrears shall be released within three months and if in default, the unpaid amount shall carry compound interest at 6% per annum from the date of default until payment.*

iii. ***Retired appellants:*** *Any appellant who has already retired shall be granted regularization with effect from 24.04.2002 until the date of superannuation for pay fixation, arrears under clause (ii), and recalculation of pension, gratuity and other terminal dues. The revised pension and terminal dues shall be paid within three months of this Judgment.*

iv. ***Deceased appellants:*** *In the case of Appellant No. 5 and any other appellant who has died during pendency, his/her legal representatives on record shall be paid the arrears under clause (ii) up to the date of death, together with all terminal/retiral dues recalculated consistently with clause (i), within three months of this Judgment.*

v. ***Compliance affidavit:*** *The Principal Secretary, Higher Education Department, Government of Uttar Pradesh, or the Secretary of the U.P. Education Services Selection Commission or the prevalent competent authority, shall file an affidavit of compliance before this Court within four months of this Judgment."*

"20. We have framed these directions comprehensively because, case after case, orders of this Court in such matters have been met with fresh technicalities, rolling "reconsiderations," and administrative drift which further prolongs the insecurity for those

who have already laboured for years on daily wages. Therefore, we have learned that Justice in such cases cannot rest on simpliciter directions, but it demands imposition of clear duties, fixed timelines, and verifiable compliance. As a constitutional employer, the State is held to a higher standard and therefore it must organise its perennial workers on a sanctioned footing, create a budget for lawful engagement, and implement judicial directions in letter and spirit. Delay to follow these obligations is not mere negligence but rather it is a conscious method of denial that erodes livelihoods and dignity for these workers. The operative scheme we have set here comprising of creation of supernumerary posts, full regularization, subsequent financial benefits, and a sworn affidavit of compliance, is therefore a pathway designed to convert rights into outcomes and to reaffirm that fairness in engagement and transparency in administration are not matters of grace, but obligations under Articles 14, 16 and 21 of the Constitution of India."

32. In yet another judgment rendered by the Hon'ble Supreme Court in the case of ***R. Iyyappan v. Union of India,*** reported in ***2026 SCC OnLine SC 742,*** while affirming the view taken by the Tribunal, has categorically held that the proper course for regularising the services of the appellants was through the creation of requisite sanctioned posts. The Hon'ble Court observed that the long and continuous service rendered by the appellants, coupled with the perennial nature of the duties discharged by them, warranted the institutionalization of their engagement on a permanent footing, and accordingly upheld the mandate for creation of posts to facilitate such regularization. The relevant observations of the Hon'ble Court are contained in paragraphs 15, 16 and 20 of the judgment, which is extracted hereinbelow;

"15. The aforesaid directions, when read in their entirety and in conjunction with the reasoning adopted by the High Court, leave no manner of doubt that the fulcrum of the mandate was the creation of requisite posts to regularise and systematise the engagement of persons performing sporadic work. The emphasis was not merely on framing a scheme in abstract, but on structuring such engagement through the establishment of sanctioned posts, thereby ensuring continuity, accountability, and security considerations in a sensitive establishment. The High Court, while taking note of the long years of service rendered by the appellants, coupled with the admitted position that the nature of duties did not require specialised qualifications, reinforced the necessity of creating posts and making appointments thereto on a permanent footing. The direction to accord preferential consideration, including age relaxation, was clearly ancillary to this primary mandate of post creation."

> *"16. Thus, the essence of the directions issued in the earlier round of litigation was to bring about a transition from an ad hoc, daily-wage arrangement to a structured regime founded upon duly created posts within a stipulated time frame. Any scheme that falls short of this requirement, by merely regulating engagement without providing for such post creation, cannot be said to be in compliance with the letter and spirit of the said directions."*
> *"20. From the aforesaid, it becomes evident that the Tribunal intended to bring an end to the practice of engaging labourers on a purely daily-wage or ad hoc basis for work of a recurring nature. The respondents were required to frame a scheme or ad-hoc rules for creation of the requisite number of posts, and to regulate engagement against such posts on a more permanent basis. At the same time, the Tribunal envisaged that the appellants be accorded preferential consideration, having regard to their long years of service, including relaxation in age, where warranted."*

33. The Hon'ble Supreme Court in the case of ***Bhola Nath v. State of Jharkhand & Ors***, reported in ***2026 SCC OnLine SC 129***, has categorically held that the State cannot continue employees on sanctioned vacant posts for prolonged periods under the guise of contractual engagement and thereafter deny them regularisation on the basis of such nomenclature. The Hon'ble Apex Court further held that contractual stipulations cannot override constitutional guarantees or operate as a waiver of fundamental rights, and that the State, being a model employer, cannot resort to prolonged ad-hocism by mechanically invoking *Umadevi*. In view thereof, the Hon'ble Court directed regularisation of the appellants against the sanctioned posts on which they had been engaged, along with all consequential service benefits. The relevant observations of the Hon'ble Court are contained in paragraphs 13 and 14 of the judgment, which is extracted hereinbelow;

> .....
> ***13.6.*** *This Court has, on several occasions, deprecated the practice adopted by States of engaging employees under the nominal labels of "part-time", "contractual" or "temporary" in perpetuity and thereby exploiting them by not regularizing their positions. In Jaggo v. Union of India10, this Court underscored that government-departments must lead by example in ensuring fair and stable employment, and evolved the test of examining whether the duties performed by such temporary employees are integral to the day-to-day functioning of the organization.*

13.7. *In Shripal v. Nagar Nigam11 and Vinod Kumar v. Union of India12, this Court cautioned against a mechanical and blind reliance on* ***Umadevi*** *(supra) to deny regularization to temporary employees in the absence of statutory rules. It was held that* ***Umadevi*** *(supra) cannot be employed as a shield to legitimise exploitative engagements continued for years without undertaking regular recruitment. The Court further clarified that Umadevi itself draws a distinction between appointments that are "illegal" and those that are merely "irregular", the latter being amenable to regularization upon fulfilment of the prescribed conditions.*

13.8. *In Dharam Singh v. State of U.P.13 , this Court strongly deprecated the culture of " ad-hocism" adopted by States in their capacity as employers. The Court criticised the practice of outsourcing or informalizing recruitment as a means to evade regular employment obligations, observing that such measures perpetuate precarious working conditions while circumventing fair and lawful engagement practices.*

13.9. *The State must remain conscious that part-time employees, such as the appellants, constitute an integral part of the edifice upon which the machinery of the State continues to function. They are not merely ancillary to the system, but form essential components thereof. The equality mandate of our Constitution, therefore, requires that their service be reciprocated in a manner free from arbitrariness, ensuring that decisions of the State affecting the careers and livelihood of such part-time and contractual employees are guided by fairness and reason.*

13.10. *In the aforesaid backdrop, we are unable to persuade ourselves to accept the respondent-State's contention that the mere contractual nomenclature of the appellants' engagement denudes them of constitutional protection. The State, having availed of the appellants' services on sanctioned posts for over a decade pursuant to a due process of selection and having consistently acknowledged their satisfactory performance, cannot, in the absence of cogent reasons or a speaking decision, abruptly discontinue such engagement by taking refuge behind formal contractual clauses. Such action is manifestly arbitrary, inconsistent with the obligation of the State to act as a model employer, and fails to withstand scrutiny under Article 14 of the Constitution.*

*"**14.** In light of our discussion, in the foregoing paragraphs, we summarize our conclusions as follows:*

I. The respondent-State was not justified in continuing the appellants on sanctioned vacant posts for over a decade under the nomenclature of contractual engagement and thereafter denying them consideration for regularization.

II. Abrupt discontinuance of such long-standing engagement solely on the basis of contractual nomenclature, without either recording cogent reasons or passing a speaking order, is manifestly arbitrary and violative of Article 14 of the Constitution.

III. Contractual stipulations purporting to bar claims for regularization cannot override constitutional guarantees. Acceptance of contractual terms does not amount to waiver of fundamental rights, and contractual stipulations cannot immunize arbitrary State action from constitutional scrutiny.

IV. The State, as a model employer, cannot rely on contractual labels or mechanical application of ***Umadevi*** *(supra) to justify prolonged ad-hocism or to discard long-serving employees in a manner inconsistent with fairness, dignity and constitutional governance.*

V. In view of the foregoing discussion, we direct the respondent-State to forthwith regularize the services of all the appellants

against the sanctioned posts to which they were initially appointed. The appellants shall be entitled to all consequential service benefits accruing from the date of this judgment."

34. Earlier also, the Hon'ble Supreme Court in the case of ***State of Jammu & Kashmir v. Distt. Bar Assn., Bandipora***, reported in ***(2017) 3 SCC 410***, has clearly held at paragraph - 19 that even if the appointment process did not involve open competitive selection, the appointment would be treated as irregular not illegal. The relevant observations of the Court are contained in paragraph 19 of the judgment, which is extracted hereinbelow;

"19. *The judgment in Renu [Renu v. District and Sessions Judge, (2014) 14 SCC 50 : (2015) 3 SCC (L&S) 406] does not preclude, as a principle of law, the framing of an appropriate scheme of regularisation in appropriate situations meeting the norms spelt out in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] and the decisions which have followed. Dealing with a scheme framed for regularisation, this Court in Amarendra Kumar Mohapatra v. State of Orissa [Amarendra Kumar Mohapatra v. State of Orissa, (2014) 4 SCC 583 : (2014) 2 SCC (L&S) 54] held as follows : (Amarendra Kumar case [Amarendra Kumar Mohapatra v. State of Orissa, (2014) 4 SCC 583 : (2014) 2 SCC (L&S) 54] , SCC pp. 607, 609 & 610, paras 38, 43 & 45)*

"38. Equally important is the fact that even after declaring the true legal position on the subject and even after deprecating the practice of appointing people by means other than legitimate, this Court felt that those who had served for ten years or so may be put to extreme hardship if they were to be discharged from service and, therefore, directed the formulation of a scheme for their regularisation. This was no doubt a one-time measure, but so long as the appointment sought to be regularised was not illegal, the scheme envisaged by para 53 of the decision [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] extracted above permitted the State to regularise such employees. Dr Dhavan argued that the appellant Stipendiary Engineers had, by the time the decision in Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] was pronounced, qualified for the benefit of a scheme of regularisation having put in ten years as ad hoc Assistant Engineers and fifteen years if their tenure was to be counted from the date of their employment as Stipendiary Engineers. He contended that even in the absence of a Validation Act, Stipendiary Engineers appointed on ad hoc basis as Assistant Engineers, who had worked for nearly ten years to the full satisfaction of the State Government would have been entitled to regularisation of their services in terms of any such scheme.

43. As to what would constitute an irregular appointment is no longer res integra. The decision of this Court in State of Karnataka v. M.L. Kesari [State of Karnataka v. M.L. Kesari, (2010) 9 SCC 247 : (2010) 2 SCC (L&S) 826] , has examined that question and explained the

principle regarding regularisation as enunciated in Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] . The decision in that case summed up the following three essentials for regularisation : (1) the employees have worked for ten years or more, (2) that they have so worked in a duly sanctioned post without the benefit or protection of the interim order of any court or tribunal, and (3) they should have possessed the minimum qualification stipulated for the appointment. Subject to these three requirements being satisfied, even if the appointment process did not involve open competitive selection, the appointment would be treated irregular and not illegal and thereby qualify for regularisation. Para 7 in this regard is apposite and may be extracted at this stage : (M.L. Kesari case [State of Karnataka v. M.L. Kesari, (2010) 9 SCC 247 : (2010) 2 SCC (L&S) 826] , SCC p. 250)

'7. It is evident from the above that there is an exception to the general principles against "regularisation" enunciated in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] , if the following conditions are fulfilled:

(i) The employee concerned should have worked for 10 years or more in a duly sanctioned post without the benefit or protection of the interim order of any court or tribunal. In other words, the State Government or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years.

(ii) The appointment of such employee should not be illegal, even if irregular. Where the appointments are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed minimum qualifications, the appointments will be considered to be illegal. But where the person employed possessed the prescribed qualifications and was working against sanctioned posts, but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular.'

45. The upshot of the above discussion is that not only because in Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] this Court did not disturb the appointments already made or regularisation granted, but also because the decision itself permitted regularisation in case of irregular appointments, the legislative enactment granting such regularisation does not call for interference at this late stage when those appointed or regularised have already started retiring having served their respective departments, in some cases for as long as 22 years."

35. Having regard to the aforesaid proposition of law as settled down by the Hon'ble Apex Court, the action of the respondent authorities in disengaging the petitioners without passing any formal order or any show cause immediately after the pronouncement of the order passed by Coordinate Bench of this Court in W.P (S) No. 4790 of 2016 in first round of litigation, is held to be arbitrary and mala-fide.

36. No Citizen can be visited with adverse consequences merely for having approached a Court of Law for protection of his/her Constitutional rights. The rights to move a Court is itself a Constitutional right, and any action taken by way of reprisal against a citizen for having invoked such right strikes at the very root of rule of law. Disengaging from services without any show cause or formal order on consequences that employee had knocked at the door of the Court is certainly illegal.

37. Such conduct, particularly when resorted to by the State and its instrumentalities, is wholly impermissible. The practice of penalising litigants for the mere exercise of their Constitutional remedies must cease forthwith.

38. The Hon'ble Supreme Court in the case of ***Jaggo (supra)*** has observed that the termination of the employees services immediately after they approached the Court for redressal lacked bona fides and appeared to be an attempt to defeat their legitimate claim for regularisation.

39. The appointment of the petitioners cannot be termed to be illegal in view of judgments rendered by Hon'ble Supreme Court in the case ***Jaggo (supra), Dharam Singh (supra), State of Jammu & Kashmir (supra)*** and others judicial pronouncement as mentioned above as the appointment made without publishing of the advertisement can be termed to irregular and not illegal and thereby qualify for regularization.

40. Having regards to the fact that the petitioners have worked for more than 10 years and their work cannot be said to be temporary in nature; rather perennial and one of the most important works in the office, thus, this Court is of the firm view that it is necessary to regularize the services of the petitioners.

41. Accordingly, in view of the judgments as referred to herein above, the impugned reasoned orders dated 14.08.2024 which at Annexure-19 (Series) of the Writ Petition, is, hereby, quashed and set aside.

42. Consequently, the 2nd Respondent is directed to reinstate the petitioners in service with all consequential benefits by issuing a formal order of regularisation forthwith, but in any case, not beyond a period of 6 weeks from the date of receipt/production of copy of this order.

43. As a result, the instant writ application stands allowed. Pending I.A.(s), if any, stands closed.

(Deepak Roshan, J.)

Dated:14/09/2026
Amardeep/
A.F.R/N.A.F.R.

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