



**110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-1907-2026 (O&M)
Date of Decision : 09-02-2026**

**UNION OF INDIA AND ANOTHERPetitioner(s)
VERSUS
MAHINDER SINGH AND OTHERSRespondent(s)**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Piyush Khanna, Senior Panel Counsel
for the petitioners.

Mr. Jagdeep Jaswal, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to impugned order dated 23.05.2025 (Annexure P/3) passed by the Central Administrative Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal') in OA No.935/2019 whereby, directions have been issued to grant temporary status and consider the private respondents for regularization, contrary to the terms of the Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1993.

2. Learned counsel for the petitioners submits that two reliefs have been granted to the respondents vide the impugned order dated 23.05.2025 (Annexure P/3) passed by the Tribunal.

3. Learned counsel for the petitioners further submits that with regard to the grant of relief for being considered for the grant of temporary

status with retrospective effect from 1993 along with all consequential benefits, the same is being opposed but, with regard to the direction for regularization, though the same was not claimed but the petitioner-Union of India, will consider their claim in accordance with law keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India *in Civil Appeal No. 14831 of 2024 titled 'Jaggo Vs. Union of India', decided on 20.12.2024, Civil Appeal No.8558 of 2018, titled 'Dharam Singh and others vs. State of Uttar Pradesh and another', decided on 19.08.2025 and Civil Appeal No.8158-7179 of 2024 titled 'Shripal and another Vs. Nagar Nigam, Ghaziabad', decided on 31.01.2025.*

3. Learned counsel for the respondents submits that he has instructions not to press the claim for the grant of temporary status from 1993 but, they be considered for the grant of the benefit of regularization as per the settled principle of law and with effect from the date, any person junior to them, has been regularized in service.

5. As, the parties have already agreed with regard to the consideration of the claim of regularization of the services of the respondents, the impugned order dated 23.05.2025 (Annexure P/3) passed by the Tribunal is modified to the extent that, the only claim admissible to the respondents, will be for regularization of their services keeping in view the fact that they have already worked for the more than 30 years with the Department and as per the order passed by the Hon'ble Supreme Court of India in *Jaggo's case (supra)*, wherein by placing reliance upon the judgment in *Secretary, State of Karnataka and others versus Uma Devi and others*, AIR 2006 SC 1806, the Hon'ble Supreme Court of India has held that in those cases where an employee has 10 years of service in their

credit, his/her services should be regularized so as to avoid any prejudice to the workman. The relevant paragraph of the said judgment is as under:

“xxx 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 judgement of this Court in Vinod Kumar and Ors. Etc. Vs. Union of India & Ors.⁵, it was 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:

“6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstance under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).

7. The judgment in the case Uma Devi (supra) also distinguished between “irregular” and “illegal” appointments underscoring the importance of considering certain appointments [2024] 1 S.C.R. 1230 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...” xxx

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.”

6. Thereafter, again the Hon’ble Supreme Court of India in ***Dharam Singh’s case (supra)***, while placing reliance upon the earlier judgment in ***Uma Devi’s case (supra)***, as well as the judgments in ***Jaggo’s case (supra)*** and ***Shripal’s case (supra)***, has held as under:-

“19 (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.”

7. The said question of regularization of the services of an employee again came up for consideration before the Hon'ble Supreme Court of India in *Shripal's case (supra)*, where non regularization of the services of an employee who had completed more than 20 years of service has been treated as arbitrary and illegal and has rather been described as exploitation of such workman. The relevant paragraphs of the said judgment are as under :

“xxx 18. The impugned order of the High Court, to the extent they confine the Appellant Workmen to future daily-wage engagement without continuity or meaningful back wages, is hereby set aside with the following directions:

I. The discontinuation of the Appellant Workmen's services, effected without compliance with Section 6E and Section 6N of the U.P. Industrial Disputes Act, 1947, is declared illegal. All orders or communications terminating their services are quashed. In consequence, the Appellant Workmen shall be treated as continuing in service from the date of their termination, for all purposes, including seniority and continuity in service.

II. The Respondent Employer shall reinstate the Appellant workmen in their respective posts (or posts akin to the duties they previously performed) within four weeks from the date of this judgment. Their entire period of absence (from the date of termination until actual reinstatement) shall be counted for continuity of service and all consequential benefits, such as seniority and eligibility for promotions, if any.

III. Considering the length of service, the Appellant Workmen shall be entitled to 50% of the back wages from the date of their discontinuation until their actual reinstatement. The Respondent Employer shall clear the aforesaid dues within three months from the date of their reinstatement.

IV. The Respondent Employer is directed to initiate a fair and transparent process for regularizing the Appellant Workmen within six months from the date of reinstatement, duly considering the fact that they have performed perennial municipal duties akin to permanent posts. In assessing regularization, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never applied to the Appellant Workmen or to similarly situated regular employees in the past. To the extent that sanctioned vacancies for such duties exist or are required, the Respondent Employer shall expedite all necessary administrative processes to ensure these longtime employees are not indefinitely retained on daily wages contrary to statutory and equitable norms.”

8. The petitioners are hereby directed to pass an appropriate order within a period of **08 weeks** from the receipt of copy of this order considering the claim for the grant of regularization in accordance with law as per the directions given by the Hon'ble Supreme Court of India in ***Jaggo (supra), Shri Pal (supra) as well as in Dharam Singh (supra)***, which will be kept in mind and the claim of the respondents, will not be rejected in contravention to the directions given by the Hon'ble Supreme Court of India. In case respondents were found entitled for regularization, same will be extended qua the respondents with effect from the date, any junior has been granted the said benefit. In case, no junior has been granted the benefit of regularization so far, then the benefit of regularization shall be granted prospectively.

9. Present petition is disposed of in the above terms.

10. Pending miscellaneous applications, if any, shall stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

09-02-2026
Sapna Goyal

(VIKAS SURI)
JUDGE

NOTE: Whether speaking/reasoned : YES
Whether reportable : NO