

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

DECIDED ON: 07.03.2026

CWP-15683-2025 (O&M)

VINOD KUMAR AND ORS.

.....PETITIONER(S)

VERSUS

SANT LONGOWAL INSTITUTE OF ENGINEERING & TECHNOLOGY
(SLIET) AND ORS.

...RESPONDENT(S)

CWP-16194-2025 (O&M)

ASHWANI KUMAR AND ORS.

.....PETITIONER(S)

VERSUS

SANT LONGOWAL INSTITUTE OF ENGINEERING & TECHNOLOGY
(SLIET) AND ORS.

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tejpal Singh Dhull, Advocate for the petitioners.

Mr. Vivek Singla, Advocate
for respondent Nos. 1 to 3 in CWP-15683-2025.

Ms. Urvashi Singh, Advocate
for respondent Nos. 1 to 3 in CWP-16194-2025.

SANDEEP MOUDGIL, J (ORAL)

Vide this common order, this Court shall dispose of above mentioned two petitions as common question of facts and law is involved therein.

For the sake of convenience, the facts are being taken from CWP-15683-2025.

Prayer

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the action of the respondents not to consider the petitioners cases for regularizations of their services as this action of the respondents is in violation of the law settled by the Supreme Court (P-7 & P-8) and further to quash the order dated 13.05.2025(P-5A) passed by the respondents whereby the claim of petitioners for regularization has been declined, in the interest of justice.

Facts

The petitioners are working as Technicians in Sant Longowal Institute of Engineering and Technology (SLIET), Longowal. The appointments of the petitioners were made at different points of time between the years 2001 and 2012 pursuant to advertisements issued by the institute for engagement on the post of Technician. Petitioner No.1 was initially appointed on 30.08.2001 in the Department of Mathematics and continued till 23.12.2005. He was thereafter re-appointed on 17.01.2007 pursuant to a subsequent selection process and has continued thereafter. Petitioner No.2 was appointed in the year 2010 in the Department of Computer Science and Engineering. Petitioner No.3 was appointed on 22.03.2005 in the Department of Physics. Petitioner Nos.4 and 5 were

appointed on 06.08.2012 and 10.10.2012 respectively in the Department of Chemical Engineering.

The petitioners have continued to discharge duties as Technicians in their respective departments and have been issued experience certificates reflecting their periods of engagement. The petitioners had earlier filed writ petitions before this Court in the year 2016, namely CWP-9216-2016, CWP-10460-2016, CWP-11393-2016, and CWP-24538-2016. The aforesaid writ petitions were decided on 08.12.2023 and 15.02.2024, whereby the petitioners were permitted to continue in service till regular appointments are made, along with grant of minimum of the regular pay scale.

The petitioners submitted representations to the respondent institute seeking regularization of their services. One such representation was declined vide communication dated 13.05.2025. As per the record, there are sanctioned posts of Technicians in the institute, and some posts are stated to be vacant.

Hence, the present writ petition.

Contention
On behalf of petitioners

Learned counsel for the petitioners contends that the petitioners were appointed against sanctioned posts through a duly conducted selection process pursuant to public advertisements and are fully qualified, their appointments being neither illegal nor irregular. It is submitted that the petitioners have rendered long, continuous, and unblemished service for more than a decade, performing duties of a regular and perennial nature essential to the functioning of the respondent institute. The artificial breaks in service, caused solely due to the arbitrary practice

of the respondents, cannot be used to defeat their legitimate claim for regularization.

It is further argued that despite the availability of vacant sanctioned posts and continued requirement of work, the respondents have failed to regularize the petitioners, while similarly situated and even junior employees have been regularized, thereby resulting in discrimination and violation of Articles 14 and 16 of the Constitution of India. The counsel submits that the petitioners are entitled to regularization in view of settled law laid down by the Supreme Court, particularly considering that they have already been granted minimum of the regular pay scale and continuity of service by the Court. Lastly, it is contended that the petitioners have a legitimate expectation of regularization based on their long and satisfactory service, and the impugned action of the respondents is arbitrary, illegal, and liable to be set aside.

On behalf of respondents

Learned counsel for the respondents contends that the present writ petition is not maintainable, particularly qua petitioner Nos. 1, 4, and 5, as no order rejecting their claim for regularization has been passed. It is submitted that the petitioners were appointed purely on an ad hoc and contractual basis through walk-in-interviews and not through a regular selection process conducted by a duly constituted selection committee; therefore, no vested right for regularization accrues to them.

It is further argued that the petitioners have continued in service only by virtue of interim orders passed by this Court, and such continuation cannot be relied upon to claim regularization or any other benefit. The respondents submit

that the Court had merely protected their services till regular appointments are made and did not grant any right of regularization.

Learned Counsel also contends that the respondent institute, being an autonomous body, does not have any policy or provision for regularization, and in the absence of such a policy, no direction for regularization can be issued. The judgments relied upon by the petitioners are stated to be distinguishable on facts and not applicable in the present case.

It is further submitted that no junior employee has been regularized, and the allegations of discrimination are incorrect. The respondents assert that regular recruitment is in process and outsourcing, if any, is done purely on a need basis. Lastly, it is contended that the petition lacks merit, raises no substantial question of law, and is liable to be dismissed.

Analysis

The present petition raises a question that has repeatedly engaged constitutional courts as to whether long-serving employees, initially engaged on contractual or ad hoc basis, can be denied consideration for regularization despite rendering continuous service against posts which are, in substance, permanent in nature.

At the outset, it must be stated that public employment is governed by the mandate of equality under Articles 14 and 16 of the Constitution of India. The constitutional scheme requires that appointments to public posts ordinarily be made through a fair, open and transparent process. This principle was emphatically reiterated by the Constitution Bench of the Supreme Court in *Secretary, State*

of Karnataka vs. Uma Devi (2006) 4 SCC 1, wherein the Court cautioned against regularization of backdoor or illegal appointments.

However, *Uma Devi (supra)* did not lay down an inflexible rule barring all claims of regularization. On the contrary, it recognized a crucial distinction between “illegal” and “irregular” appointments. While illegal appointments made dehors the rules and without any process were held to be incapable of regularization, the Court carved out an exception in respect of irregular appointments of duly qualified persons made against sanctioned posts, who have continued for a long period. The Court further observed that, as a one-time measure, such employees ought to be considered for regularization.

The subsequent jurisprudence has not diluted this principle rather, it has explained and contextualized it. In *State of Karnataka Vs. M.L. Kesari, (2010) 9 SCC 247*, the Supreme Court clarified that where employees have completed long years of service, and their appointments are not tainted by illegality, the benefit contemplated in *Uma Devi (supra)* cannot be denied merely on technical grounds. The emphasis shifted from the form of appointment to the substance of engagement as to whether the employee was working against a genuine and continuing requirement of the institution. In *M.L. Kesari (supra)*, the Supreme Court noticed misuse by the State and its agencies, noncompliance of order of the Apex Court and denying benefits to the employees. The Court noticed that the object as such was two folds. Firstly, those persons who had put in more than 10 years of services were to be considered for regularization in view of the long service. Secondly, it was to ensure that departments do not perpetuate the practice of employing persons on daily wage, adhoc or casual basis. It was held that persons

who had worked for more than 10 years on 10.04.2006 were entitled for regularization and necessary directions were issued in the said case and those not entitled because of lack of educational qualifications were to be regularized on a lower post.

Similarly, in *State of Punjab vs. Jagjit Singh 2016(4)SCC 641*, while dealing with the issue of equal pay, the Court acknowledged that temporary or contractual employees performing the same duties as regular employees cannot be treated unequally thereby reinforcing the constitutional principle that the nature of duties and continuity of service are relevant considerations in adjudging rights of such employees. Relevant extract of the same is as under:

“There is no escape from the above obligation, in view of different provisions of the Constitution referred to above, and in view of the law declared by this Court under Article 141 of the Constitution of India, the principle of ‘equal pay for equal work’ constitutes a clear and unambiguous right and is vested in every employee - whether engaged on regular or temporary basis.”

Over time, the jurisprudence has thus evolved from a rigid prohibition to a nuanced approach, one that balances the requirement of procedural regularity with the realities of long and continuous service rendered by employees in public institutions.

Tested on this anvil, the facts of the present case assume significance. It is not in dispute that the petitioners were appointed between the years 2001 and 2012 pursuant to advertisements issued by the respondent institute. The material on record reflects that the petitioners possess the requisite qualifications, were selected on merit, and have discharged duties of a regular and perennial nature es-

essential to the functioning of the institute. What is particularly noteworthy is the length and continuity of service. The petitioners have, in several cases, rendered service for more than a decade. Their continuous engagement reflects a sustained and continuous requirement of work. The fact that they were required to participate in repeated selection processes for the same posts, and yet continued to be engaged, underscores the existence of a perennial need rather than a temporary exigency.

The contention of the respondents that the petitioners were appointed on an ad hoc basis through walk-in-interviews and, therefore, have no right to regularization cannot be accepted in the peculiar facts of the present case. The record indicates that the appointments were not backdoor entries but were made after following a curated selection process. Moreover, the long and continuous service rendered by the petitioners, albeit with artificial breaks caused by the respondents themselves, cannot be ignored.

Further, earlier writ petitions filed by the petitioners were disposed of by this Court with directions permitting them to continue in service till regular appointments are made, along with grant of minimum of the regular pay scale. These directions, though interim in nature, recognize the functional necessity of their services. The contention that the petitioners have continued only by virtue of interim orders cannot be accepted as a complete answer. Interim protection may have enabled continuation, but it does not efface the fact that the petitioners have, in fact, rendered services for long periods, nor does it negate the institutional requirement which necessitated such continuation. It is also borne out from the record that

sanctioned posts of Technicians exist in the institute, and some of them are stated to be vacant.

Equally, the absence of a formal policy for regularization cannot be an absolute bar. Constitutional courts are not powerless in the face of administrative inaction. Where the facts disclose long, continuous service against sanctioned posts by duly qualified persons, the obligation to act fairly and non-arbitrarily is attracted. The State and its instrumentalities cannot, by mere inaction or by abstaining from framing a policy, defeat legitimate claims arising from such circumstances.

In the considered view of this Court, the case of the petitioners falls within the zone of consideration envisaged in *Uma Devi (supra)* and clarified in subsequent decisions. Their appointments cannot be characterized as illegal; at best, they may be termed as irregular. They have rendered long years of service, possess the requisite qualifications, and have worked against posts which are not shown to be either non-existent or purely temporary.

The recent clarion judgments of the Supreme Court in ***Jaggo vs. Union of India 2024 INSC 1034*** and ***Bhola Nath v. State of Jharkhand 2026 INSC 99*** illuminate this principle further, entwining legality with fairness. The Courts have pronounced that the *sine qua non* for consideration of regularization is not merely the nomenclature of appointment, but the enduring, integral, and indispensable nature of the service rendered. Where employees, like the petitioners, serve for long periods, perform duties that are perennial rather than sporadic, and do so in conformity with due process, the State cannot cloak arbitrariness behind contractual labels or outsourcing expedients. The doctrine of

legitimate expectation, when viewed against Articles 14 and 16, crystallizes into a mandate that the petitions of such employees must be fairly considered; to deny them regularization would be to punish continuity, dedication, and institutional service itself.

In the present case, the facts resonate perfectly with this evolved jurisprudence: sanctioned posts exist, the work is ongoing, and the petitioners' service is unblemished. To deny them the right to be considered for regularization would not merely be administrative oversight, it would be a discordant note in the symphony of justice, equity, and constitutional morality that our courts have long striven to uphold. In such a situation, a blanket denial of consideration for regularization would be inconsistent with the principles of fairness and equality embodied in the Constitution.

Conclusion

In view of the foregoing analysis, the present writ petition is allowed with costs of Rs. 50,000/- to be paid to the petitioners for having been unnecessarily compelled to approach this Court for the second time due to the inaction and indifferent attitude of the respondents.

The impugned order dated 13.05.2025, rejecting the claim of the petitioners for regularization, is hereby set aside. The respondents are directed to consider and regularize the services of the petitioners in accordance with law within a reasonable period, along with all consequential benefits. Interest at the rate of 6% per annum on the arrears is also directed to be paid to the petitioners from the date of accrual till its actual realization, within a period of six weeks from the date of receipt of a certified copy of this order.

The respondents are further restrained from discontinuing the services of the petitioners till such exercise is completed.

The writ petition stands allowed in the aforesaid terms.

A photocopy of this order be placed on the file(s) of connected case(s).

07.03.2026
anuradha

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>:Yes/No</i>
<i>Whether reportable</i>	<i>:Yes/No</i>