

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-7973-2018 (O&M)

Ranjit Singh & Anr. ... Petitioners

VS.

Union of India & Ors. ... Respondents

1.	Judgment reserved on	08.01.2026
2.	Judgment pronounced on	16.02.2026
3.	Judgment uploaded on	19.02.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashok Sharma Nabhewala, Advocate and
Ms. Gauri Sharma, Advocate for the petitioner

Mr. Ashish Rawal, Advocate for respondent No.1

Mr. KK Gupta, Advocate for respondents No.2&3

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, *inter alia*, for issuing a writ of certiorari quashing the impugned decision dated 01.02.2017 (Annexure P1) rejecting the claim of the petitioners for regularization, who are working as casual workers in the Punjab Region Office of FCI since 1986-87. A further direction is sought to regularize the services of the petitioner w.e.f. 06.11.1995 or the date of DOPT instructions dated 10.09.1993 along with all consequential benefits.

(2). Learned counsel for the petitioners submits that the petitioners have been continuously engaged as casual workers with the respondent-Corporation in Punjab Region since 1986-87 and had been performing duties of a permanent and perennial nature identical to those Category-IV employees already engaged on regular basis and without any

adverse record. He submits that despite the assurance given before this Court in CWP-14044-1992 (Annexure P3) to absorb the petitioners and place them in a regular pay scale, the respondents have neither framed nor implemented any fair regularisation policy for these long-serving workers, compelling them to remain in a precarious casual status for nearly four decades, which is arbitrary, unreasonable and violative of Articles 14, 16 and 21 of the Constitution.

(3). It is further asserted that as per the instructions issued by the Govt. on grant of temporary status and regularisation of casual labour (including OM dated 10.09.1993 and later circulars), the casual/temporary-status workers who have completed the required length of service would be considered for regularisation and that a substantial share of Group-D vacancies in the same office is to be earmarked for such workers, however, the respondents have chosen to ignore these binding executive instructions and excluded the petitioners from consideration against vacancies in the very establishment where they have worked for decades which is *ex facie* arbitrary and illegal, particularly when the Corporation has already treated the petitioners as part of the regular establishment by placing them in a pay scale, deducting CPF and extending pensionary benefits akin to regular Category-IV staff. He further submits that the petitioners have been subjected to hostile discrimination vis-à-vis similarly situated casual workers in other Regions of FCI, especially Delhi Region, where many casual workers have already been regularised.

(4). On the other hand, learned counsel for respondents No.1 to 3, on the basis of the written statement dated 20.09.2019, submits that the relief of regularisation now claimed by the petitioners is barred by their own conscious and informed undertakings furnished under the Temporary Status Scheme

dated 24.10.2016, which was duly approved by the Board of Directors in its 373rd meeting wherein it was agreed by the petitioner that they will not claim regularisation or arrears for the period prior to 01.07.2012 and as such, having taken advantage of the scheme, they are estopped in law from resiling from the undertakings or approbating and reprobating in respect of the same policy decision.

(5). Learned counsel further submits that the petitioners cannot demand appointment by way of absorption against the advertised Watchman posts in substitution of the prescribed recruitment process, inasmuch as there cannot be any automatic right to regularisation or absorption merely on account of long service, and that vacancies in regular posts must generally be filled through a due process consistent with Articles 14 and 16. It is further asserted that the recruitment to 806/860 Watchman posts in Punjab Region was undertaken through a regular selection process and litigation raised by erstwhile Security Guards in separate LPAs and CWPs concerned has no nexus with the present petitioners.

(6). Mr. KK Gupta, Advocate for respondents No.2&3 further contended that the petitioners' attempt to draw a parity with certain workers at FCI Headquarters, New Delhi, is misplaced, as those workers did not continue as casual labour and later were "regularised", but were in fact appointed as Class-IV employees through a regular appointment at first place vide order dated 28.03.1995 and placed on probation strictly in terms of the FCI (Staff) Regulations, 1971.

(7). It is then argued that the petitioners have not completed the prescribed three months service by the cut-off date of 02.05.1986, and therefore

no vested right of regularisation ever accrued to them under that policy. Far from exploiting or retrenching them, FCI has continued their engagement as casual workers on the strength of interim and final orders passed by this Court in earlier writ petitions and has, in addition, extended the benefit of temporary status and other monetary advantages under the 2016 Scheme.

(8). Notice of motion was issued on 02.04.2018 and thereafter, since learned counsel for the petitioner pointed out that the entire controversy revolves around as to whether the Delhi Regional Office of the FCI have regularized services of certain similarly placed employees of Chandigarh in the year 1995, this Court vide order dated 07.01.2025 called for the record pertaining to the appointment of Watchmen to ascertain as to whether it was a case of fresh appointment or it was a case of appointment pursuant to an order of regularization. The order dated 07.01.2025 thus read as under:-

“Learned counsel appearing for the petitioners contends that the entire controversy revolves around as to whether the Delhi Regional Office of the respondents-FCI have regularised the services of Sh. Sukhbir Singh (SC), Sh. Irana G. Hegde (General) and Sh. Bhim Singh (General) in the year 1995 or not.

Counsel for the petitioners further contends that the said employees were engaged as casual labourers after the engagement of the petitioners and such persons have seemingly been regularised pursuant to some policy in the year 1995, however, the benefit thereof is not being extended to the petitioners. He further submits that the respondents-FCI in its reply filed to the application has stated that there has been no regularization, thus giving rise to a discrepant stand of the respondents themselves.

For a fair assessment of the aforesaid contention, counsel for the respondents-FCI is directed to produce the record pertaining to the regularization of Sh. Sukhbir Singh (SC), Sh. Irana G. Hegde (General) and Sh. Bhim Singh (General) as referred to in Annexure P-38.

Record pertaining to appointment of Watchmen consequent to Order No.Estt.3 (5)/ Class-IV/89/170 dated 04.04.1989 as to whether it was a case

of fresh appointment or it was a case of appointment pursuant to an order of regularization.

List on 03.03.2025 for further consideration.”

(9). In pursuance thereof, the FCI produced the requisite record on 03.03.2025 in Court which was perused and returned back and counsel for the petitioner was permitted to inspect the same and address his arguments.

(10). The petitioner filed CM-18655-CWP-2025 wherein it has been averred that information with regard to regularization of 3 persons, namely, Sh. Sukhbir Singh (SC); Sh. Irana G. Hegde (General); and Sh. Bhim Singh (General) in the year 1995 in HQ at New Delhi, was obtained under the RTI Act on 03.05.2013 (Annexure P38) and upon inspection of those records, it has been found that in the light of the note dated 30.11.1994 (Annexure P39), the services of the above mentioned 3 persons who were working as temporary casual workers at HQ at New Delhi were regularized in 1995 and other 88 casual workers in Punjab regional were regularized without any policy.

(11). The respondent-FCI filed reply dated 23.12.2025 in the above application, inter alia, stating that the petitioners have already exhausted their remedy by filing three consecutive writ petitions followed by this fourth writ petition seeking same relief of regularization in spite of the fact that there is neither any regular cadre of casual workers nor there is any policy for regularization. It is averred that no RTI information of record including noting sheets which is an unsigned document, was supplied by the FCI.

(12). He further submits that the 3 persons referred to in the order dated 07.01.2025 were appointed as Peons in the FCI at New Delhi by way of direct recruitment by facing interview as is clear from documents annexed as Annexure R8 to R14. Further, he submits that none out of 34 casual workers

were regularized in the Punjab Region of FCI as has been already deposed in COCP No.114 of 2007 decided on 05.08.2008.

(13). Heard learned counsel for the parties and gone through the record.

(14). The factual matrix establishes that the petitioners were directly engaged by FCI as casual workers in 1986–87, have rendered uninterrupted service of more than three decades in Punjab Region against work which the Corporation itself has repeatedly characterised as perennial, and were, pursuant to directions issued in earlier rounds of litigation by this Court, the petitioners were placed in a regular pay scale with allowances with an express stipulation that as and when they are regularly absorbed, they would be entitled to increments and other benefits as admissible to a regular employee. The Regional Office and a three-member Committee of senior officers consistently recommended their regular appointment in view of long service, availability of Category-IV vacancies. To avoid prolonged litigation, the petitioners accepted the Committee's proposal to be treated as fresh appointees without arrears and agreed to withdraw their writ petition and this Court, vide order dated 21.03.2006, directed FCI to take an appropriate decision on the Committee's recommendations, while a subsequent COCP order dated 05.08.2008 preserved their right to be considered as and when those recommendations were implemented in Punjab.

(15). In parallel, the record now produced in rejoinder shows that, contrary to the stand taken in the CMD's affidavit in COCP No. 114 of 2007, FCI had in fact regularised casual workers engaged long after the petitioners, three casual workers at FCI Headquarters, New Delhi, engaged around 1993–94 and regularised in 1995 without any Board-approved policy, and about 88

casual Watchmen in Punjab Region (Sangrur) regularised on 04.04.1989 demonstrating that the respondents adopted different yardsticks for similarly placed casual workers in different units and filed an incomplete/incorrect affidavit to defeat the petitioners' claim.

(16). On the legal objections, the respondents' reliance on **Secretary, State of Karnataka & Ors. vs. Uma Devi & Ors. (2006) 4 SCC 1, Uma Devi** is misplaced as the said decision does not grant a charter to perpetuate casualisation and it clearly recognises that long-serving irregular employees, who have put in more than ten years' continuous service against sanctioned posts and whose engagement is not tainted by patent illegality, may be considered for regularisation as a one-time measure. The petitioners, engaged in 1986–87, completed ten years of continuous service well before 1996–97, fall squarely in the category contemplated by **Uma Devi** and the subsequent line of decisions by the Apex Court and other High Courts, which hold that non-regularisation of such workers, especially when similarly placed employees have been regularised under the same employer, amounts to arbitrary and unfair labour practice and violates Articles 14 and 16.

(17). The present case falls within the same doctrinal framework as **CWP-31401-2025, Phoolwati v. State of Haryana and others**, where this Court, examined the consequences of the State having taken uninterrupted service from a daily-wage worker for over two and a half decades without extending the benefit of regularisation under an existing policy. The petitioner therein had continuously served the Forest Department for about 25 years, and her work was of a regular, departmental nature, and that a regularisation policy was in force during that period under which similarly placed and even junior

workers had been regularized. Yet her case was neither considered in time nor was she granted full retiral dues on superannuation. On these facts, the Court characterised the State's conduct as exploitative and held that non-regularisation in such circumstances offends Articles 14 and 16, and emphasised that the State "cannot be permitted to take advantage of its own omission" in not processing an eligible worker's case under the policy so as to defeat her legitimate entitlements.

(18). In an identical context of long-serving daily-wage and contractual employees, this Court in *Joginder v. State of Haryana and others, CWP-31304-2025* & connected cases, decided on 31.12.2025 strongly deprecated the practice of keeping workers in perpetual precarious employment despite decades of continuous service against perennial posts. It was held that public power is held in trust and "the State must first discharge its duty of fairness towards those who have toiled in its service for decades, rather than search for technical defences to deny them their due," making it clear that the Constitution does not permit the State to treat such workers as endlessly dispensable merely by labelling them "daily wagers", "contractual" or "project staff" while drawing regular work from them. The Court further cautioned that repeatedly re-labelling engagements in this manner, while the duties remain permanent and indistinguishable from those of regular staff, "is nothing but an attempt to evade *Rajdharm*," and that such conduct amounts to exploitation and violates Articles 14 and 16. The relevant extracts of the said judgment is reproduced as under:-

"41. The Court is of the view that once the State Government formulates and publishes a regularization policy, it is under an obligation to implement the

same, particularly in a socialistic welfare State where hundreds of similarly situated employees have been considered. The State, being a model employer, is expected to act as a parent towards its employees, especially where the employees belong to an illiterate class and the lowest strata of society. In such circumstances, the State is expected to act promptly and not allow its officials to remain in a state of inaction, thereby compelling employees to approach the Court for enforcement of their legal rights, which otherwise ought to have been considered in due course on the basis of the record available with the respondents in a transparent and fair manner, thereby rendering the cause of action as a continuing one. Therefore, the plea of delay and laches is wholly misconceived and cannot be permitted to defeat the substantive and accrued rights of the petitioner, which ought to have been considered by the respondents on the basis of the record available with them in a transparent, fair, and non-arbitrary manner. Accordingly, the argument raised on behalf of the respondents also stands rejected.

Ethos of a Welfare State

42. There is, finally, a moral vocabulary that is not foreign to Indian constitutionalism and it runs parallel to our civilisational idea of Rajdharma that the ruler's foremost duty is protection and fairness to those who sustain the State's functioning. Our ancient texts repeatedly place upon the sovereign an obligation to act with nyaya (justice), anrishamsya (non-cruelty), and balanced governance and the idea of lokasangraha as discussed in the Bhagvad Gita's reminds public power that action must serve social stability and the common good, not merely administrative convenience. They are interpretive lamps that illuminate why a welfare State cannot, in good conscience or good law, keep citizens in endless precarity while taking uninterrupted benefit of their service. When the State engages people to serve the public often in the lowest rungs, with the least bargaining power it must remember that governance is not merely about outputs but it is also about how those outputs are produced.

*43. Therefore, the legally sustainable position is that regularization cannot be claimed as a matter of right where the initial entry is illegal or plainly unconstitutional but where the engagement is long, continuous, against sanctioned vacant posts of duly qualified persons, the State is under a constitutional duty to undertake fair consideration and to complete the one-time regularization exercise mandated in **Umadevi** (supra) as explained in **M.L. Kesari** (supra). And where the State's defence is merely a change of label "contractual" while it continues to extract perennial work for years,*

courts are entitled to pierce the veil of form, test the action on the anvil of the Constitutional ethics, and prevent the welfare State from becoming an architect of injustice. Article 14 & 16 of the Constitution of India do not merely regulate entry into public service but they govern the entire life cycle of public employment of State. The constitutional promise is not exhausted once an employee crosses the threshold of appointment but it is a dynamic guarantee to safeguard against arbitrary action of the State including denial of legitimate consideration.

44. In the considered view of this Court, the petitioner has rendered continuous and uninterrupted service to the respondent department for nearly three decades. Notwithstanding the existence of multiple regularization policies under which the petitioner was prima facie eligible, the respondent-State failed to accord his case due consideration or extend the benefit of regularization. Having derived benefit from the services of the petitioner over such an extended period, the State cannot now evade its constitutional and administrative obligations by resorting to procedural objections of its own creation.

Conclusion

45. For the reasons stated above, all the above said writ petitions are hereby allowed. The impugned orders rejecting the petitioners' claims for regularization, if any, are set aside. This judgment shall govern all connected matters with similar facts.

46. The respondents are hereby directed to regularize the petitioners in accordance with the law and under the relevant regularization policy in force when the petitioner first became eligible, including, but not limited to, the policies of 1993, 1996, 2003, and 2011.

47. However, the petitioners who do not fall under the above policies but have rendered services of more than 10 years as on date i.e. 31.12.2025, the respondents are directed to grant them the benefit of regularization.

48. The respondents are also directed to release all consequential benefits, including fixation of pay, arrears thereof alongwith interest @ 6% per annum from the date it became due til its actual realization.

49. The entire exercise shall be completed within eight weeks from the date of receipt of a certified copy of this judgment."

(19). On the cumulative factual matrix, the petitioners constitute a distinct and narrow class of employees who have rendered uninterrupted service to FCI since 1986–87 against work of a perennial and sanctioned

nature, whose status was recognised in earlier High Court orders and by the Corporation's own Committee report, and whose juniors and counterparts in other units have already been regularised. The belated grant of temporary status from a date later than even the Board's own cut-off, extraction of undertakings obtained under economic duress, and selective disclosure in earlier affidavits all while continuing to utilise the petitioners' labour as an integral part of the establishment, reveal a pattern of exploitation and hostile discrimination rather than any bona fide adherence to constitutional norms.

(20). In ***Bhola Nath v. State of Jharkhand, 2026 LiveLaw (SC) 95***, three Junior Engineers (Agriculture) were duly selected in 2012 through a regular selection process for sanctioned vacancies but were appointed only on yearly "contractual" terms, which the State kept renewing for over a decade while taking their full-time work, transfers and increments like regular staff, and then abruptly refused further renewal/regularization. The petitioners assailed such action but the High Court of Jharkhand dismissed their writ petitions on the ground that, being contractual, they had no right to regular appointment. The Supreme Court held that the State could not perpetually staff sanctioned posts through long-term contractual engagement and then deny even consideration for regularisation, branding such conduct as manifestly arbitrary, violative of Articles 14 and 16, inconsistent with the obligation to act as a model employer, and an instance of unequal bargaining power where "the State is a lion and the employee is a lamb". It further held that contractual stipulations cannot amount to a waiver of fundamental rights or justify exploitation and directed the State to consider the appellants for regularisation

on the available sanctioned posts within a fixed time-frame. The relevant extracts of the said judgment is reproduced as under:-

“Limits on Perpetual Contractual Engagements:

13.2. In the present case, the respondent-State had engaged the services of the appellants on sanctioned posts since the year 2012. It was only towards the end of the year 2022 that the respondents communicated that no further extension of the appellants’ engagement was likely to be granted.

13.3. In our considered opinion, the aforesaid action is not only vitiated by arbitrariness but is also in clear derogation of the equality principles enshrined in Article 14 of the Constitution. The respondent-State initially engaged the appellants in their youth to discharge public duties and functions. Having rendered long and dedicated service, the appellants cannot now be left to fend for themselves, particularly when the employment opportunities that may have been available to them a decade ago are no longer accessible owing to age constraints.

13.4. We are unable to discern any rational basis for the respondent-State’s decision to discontinue the appellants after nearly ten years of continuous service. We are conscious that the symbiotic-relationship between the appellants and the respondent-State was mutually beneficial, the State derived the advantage of the appellants’ experience and institutional familiarity, while the appellants remained in public service. In such circumstances, any departure from a long-standing practice of renewal, particularly one that frustrates the legitimate expectation of the employees, ought to be supported by cogent reasons recorded in a speaking order.

13.5. Such a decision must necessarily be a conscious and reasoned one. An employee who has satisfactorily discharged his duties over several years and has been granted repeated extensions cannot, overnight, be treated as surplus or undesirable. We are unable to accept the justification advanced by the respondents as the obligation of the State, as a model employer, extends to fair treatment of its employees irrespective of whether their engagement is contractual or regular.

*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 India**, 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 Nigam**, and **Vinod Kumar v. Union of India**, 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.**, 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.

FINAL CONCLUSION:

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.”

(21). Applying the principles enunciated in the above cited case laws, it can safely be held that non-regularisation of long-serving daily wagers against perennial posts is an unfair labour practice and as such the State cannot take advantage of its own omissions to deny regularisation under existing frameworks.

(22). In view of the above discussion, the writ petition is allowed and the impugned order 01.02.2017 rejecting petitioners’ claim to regularise them is/are hereby set aside being arbitrary and unconstitutional. The respondent-Corporation is directed to undertake, as a one-time measure, a regularisation exercise for the petitioners and other identically placed

long-serving casual workers in Punjab Region, by considering them for regular appointment/absorption against available Category-IV/Watchman or equivalent posts from the date on which each petitioner first fulfilled the eligibility conditions emerging from the High Court's orders dated 19.08.1994, the office order dated 06.11.1995 and the Committee recommendations dated 09.12.2005 by treating such date as the notional date of regularisation and granting all consequential service benefits in terms of pay fixation and continuity for pension and retiral benefits.

(23). The respondents are also directed to release all consequential benefits, including fixation of pay, arrears thereof along with interest @ 6% per annum from the date it became due till its actual realization.

(24). The needful shall be done within a period of four months from receipt of a certified copy of this order.

16.02.2026

V.Vishal

(Sandeep Moudgil)
Judge

1. *Whether speaking/reasoned?* :
2. *Whether reportable?* :

Yes/No
Yes/No