

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(CIRCUIT BENCH AT PORT BLAIR)**

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Ajay Kumar Gupta

WP.CT NO.48 OF 2025

Shri K. Prem Kumar and Others
VS.
Union of India and Others

For the Petitioners : Mr. Gopala Binnu Kumar, Adv.

For the Respondents : Mr. Rakesh Kumar, Adv.

With
WP.CT NO.60 OF 2025

The Lt. Governor and other
VS.
Shri K. Prem Kumar and Others

For the Petitioners : Mr. Rakesh Kumar, Adv.

For the Respondents : Mr. Gopala Binnu Kumar, Adv.

Reserved on : 25.02.2026

Judgment on : 02.03.2026

Ajay Kumar Gupta, J:

1. The instant two writ petitions are directed against the same and similar impugned Judgement and order dated June 18, 2025 passed

by the Central Administrative Tribunal, Kolkata Bench, Kolkata, in OA/351/384/2025.

2. By the said impugned judgment and order, the learned Tribunal held that the applicants have been working in the department for a considerable period and their job was perennial in nature. Therefore, they should not have been deprived of the benefits granted to other similarly placed casual, part-time and contractual employees as per the Judgment relied upon by the Tribunal and further directed the respondents to consider the case of the applicants and extend the consequential benefits to them within a period of three months from the date of receipt of a copy of the order.
3. WP.CT 48 of 2025, filed at the behest of Petitioner/Applicants, and WP.CT 60 of 2025, at the behest of Administration/Respondents, are taken up together for their disposal by a common judgment.

FACTS OF THE CASE

4. The brief facts leading to the filing of the Writ petitions are as follows:
 - a) The petitioner No. 1 and 2 were appointed as part-time Choudhary on a consolidated pay of Rs. 600/- per month respectively against the existing vacancies vide Order No. 600 dated 22nd July 1996 and the petitioner No. 3 was appointed on compassionate ground as part-time Choudhary, on a consolidated pay of Rs. 600/-, against the vacancy held by his grandfather,

Shri M Hamza, vide Order No. 08 dated 6th December 1996 under the respondent No. 5, the petitioners were discharging their duties as a full-time employee for 8 hours a day.

- b)** The petitioner No. 1 initially filed an original application before the Central Administrative Tribunal, Kolkata, Circuit Bench sitting at Port Blair, being OA. No. 50 of 1997 seeking a direction upon the respondent authorities to regularise his service. The said application was disposed of vide Order dated 12th July 1999, whereby the learned tribunal directed the respondent authorities to consider the creation of a regular post and framing of recruitment rules, and to induct the petitioner if the petitioner No. 1 is otherwise found suitable.
- c)** Despite such direction, the respondent authorities did not comply with the said order, as such a contempt application has been filed and ultimately the respondent authorities have given an undertaking to implement the said order as such contempt application was dismissed.
- d)** Subsequently, vide order dated 20th February, 2001, the respondent No. 5 passed a speaking order, thereby negated the claim of the petitioners. Accordingly, the petitioners, along with one Mohammed, filed a Second Original application, being O.A. No. 78/AN/2005 before the learned tribunal seeking directions

upon the respondent authorities to regularise the service of the petitioners.

- e)** After hearing the parties, vide Order dated 22nd May 2007, the learned tribunal allowed the application, and directed the respondent authorities to consider in detail the entire functional responsibility of Choudhary, work out the total number of full time Choudharies and frame necessary recruitment rules, reflecting therein the total number of posts of Choudhary, keeping in view of the facts that the petitioners had been performing the duties of Choudhary for the past decade plus, consider the case of the petitioners for regularization as Choudharies.
- f)** Feeling aggrieved by the said direction, the Respondents challenged the said impugned order dated 22nd May 2007 by preferring a writ petition before this Hon'ble Court by way of writ petition being WPCT No. 178 of 2007, which was finally dismissed on September 5, 2007. Thereafter, the petitioners filed a contempt application before the Learned Tribunal, being CP No. 8 of 2008.
- g)** At the same time, the respondent authorities preferred a Special Leave Petition against the order dated 5th September 2007 passed by the Ld. Tribunal before the Supreme Court of India, and vide order dated 5th December 2008, the Special Leave Petition filed by the respondent Authorities was dismissed.

- h)** Despite dismissal of the Special Leave Petition by the Hon'ble Supreme Court of India, the respondents/administration filed a Miscellaneous application, being MA No. 5/AN/2011, in the contempt application being CPC No. 8/2008.
- i)** Considering the facts and circumstances of the case vide Order dated 16.02.2011, the Learned Tribunal dismissed said Miscellaneous application by imposing a cost of Rs. 250/-, and issued a rule upon the Administrator issuing show cause as to why a contempt of court proceeding should not be initiated against them for non-implementation of the order of the tribunal, which was subsequently upheld by the Hon'ble Apex Court.
- j)** After the issuance of the Showcause notice, the said contempt application was taken up for hearing on 16.12.2011, wherein the respondent administration filed an affidavit of compliance, thereby informing the court that the petitioners have been appointed on an ad hoc basis for a period of 6 months against a Group D post. A supernumerary post will be created for all the 49 Choudharies. A necessary proposal was sent to the Union of India on 14.12.2009, and the financial implications were worked out on the presumption that the post would be sanctioned from December 2009. Draft Recruitment Rule had been forwarded, and 6 months' time was sought for the full implementation of the order. However, the learned Tribunal was of the view that the

respondents have failed to implement the order of the Tribunal and therefore granted 8 weeks' time from the date of receipt of the order for full compliance of the order. In the event the order is not complied with, the Union Home Secretary/Lt. Governor will appear in person on the next date for further proceedings in the matter. As such, the Miscellaneous application for extension of time, being MA No. 45/AN/2011, was finally stood disposed of.

k) In the contempt application, the respondent authorities filed another affidavit of compliance without complying with the said order of the learned tribunal and the learned tribunal vide order dated 27th April 2012, was pleased to order that the Recruitment Rules, to be framed, would be enforced from the date of the judgement i.e. 22nd May 2007 and the regularization of the petitioner will also relate to the said date with consequential benefits.

l) The respondent authorities, in compliance with the order dated 27th April 2012, passed in MA No. 27 of 2012, issued Order No. 868 dated 24th August 2012, whereby the appointment of the petitioners were given effect from 22nd May 2007 and in the said order there was no specification with regard to scale of pay and also there was no release the service benefit of the petitioner from the date of their initial engagement. However, subsequently, by means of an Office Order No. 384 dated 17th September 2012, the

respondent authorities re-fixed the pay of the petitioners with effect from 22nd May 2007 in the pay Band I of Rs. 5200-2200 with grade pay of Rs. 1800/-.

m) The petitioners being aggrieved by the order dated 27th April 2012 passed in MA No. 27/AN/2012 in O.A. No. 78/AN/2005 preferred a writ petition before this Hon'ble Court, after hearing the parties set aside the order passed in Miscellaneous application and while passing the said order it was made clear that it would be open to the petitioners to challenge the action of the administration, if the petitioners are aggrieved by such action of the administration passed under the dint of the order dated 27th April 2012. The petitioner waited for a year, when the administration were sitting tight over the issue, finding no other alternative the petitioners preferred the third Original application being OA No. 351/384 of 2018 before the Learned Tribunal seeking the following relief prayed therein which are as inter alia:

a) Leave may be granted to move the petitioners to file the instant application jointly under Rule 4(5) (a) of the Central Administrative Tribunal (procedure) Rules, 1987 as all the petitioners have a common grievance and they are aggrieved by the action on the respondents for not considering the legitimate claim of the petitioners for the release of arrears, seniority, framing of recruitment Rules, Pensionary benefits, annual increments and non release of the service benefits from the date of the initial appointment.

- b) An order be passed directing the respondents authorities to frame the recruitment authoritites to frame the recruitment rules for the post of choudhary by regularizing the service of the petitioners from the date of initial appointment by creating the promotional avenues as per the Andaman & Nicobar Land Revenue and Land Reform Regulation, 1966 and thereby extending the financial benefits to the petitioners by releasing the arrears from the date af mitial appointment*
- c) An order be passed directing the respondent authorities to frame the Recruitment Rules and release all the consequential benefits from their date of initial appointment to the post of Choudhary.*
- d) An order be passed directing respondents authorities to release the entire arrears to the petitioners from the date of their initial appointment to the post of Choudhary.*
- e) An order be passed directing the same respondent authorities to transmit the case records before this Hon'ble Court, SO that after perusing the conscionable justice may be rendered to the petitioner;*
- f) Any other order or orders, further order or orders as this Hon'ble Court may deem fit and proper."*

- 5.** Despite the third round of litigation, the learned Tribunal simply allowed the OA as aforesaid and relegated the matter to the respondent authorities to consider the case of the applicants in the light of the judgement passed by the Supreme Court of India and extended the consequential benefits to the petitioner within a time frame without allowing their legitimate claim for the release of

arrears, seniority, framing of recruitment Rules, Pensionary benefits, annual increments from the date of the initial appointment. Hence, the applicants, being aggrieved, filed this Petition.

CONTENTION OF THE APPLICANTS

6. Learned Counsel for applicants submitted that similarly situated employees had their services regularised from the date of their initial engagement pursuant to the order passed by the Hon'ble Supreme Court. At the same time, the applicants are also entitled to regularisation of their services from the date of their initial engagement, along with arrears, seniority, pensionary benefits, and other consequential benefits.
7. Learned counsel for the applicants has placed reliance upon the following judgments in support of his submissions:
 - i) ***ONGC Versus Petroleum Coal Labour Union and Others***¹, decided on 17.04.2015, particularly paragraph nos. 1,9,25,27,39 and 42;
 - ii) ***Union Of India Rep By Government of...Vs.Velajagan, 2025 SCC Online SC 837***, decided on 4th February 2025;
 - iii) ***State of West Bengal and others-Versus-Pantha Chatterjee and others***², decided on 07.07.2003, particularly paragraphs No.2,3,4,16,18 and 19;

¹ ***AIR 2015 SC 2210***

² ***AIR 2003 SC 3569***

- iv) ***Amarkant Rai v. State of Bihar & Ors.***³, decided on 13th March 2015, particularly paragraphs No. 3, 14, and 16.
- v) ***Sheo Narain Nagar & Ors. v. State of Uttar Pradesh & Ors***⁴, decided on 13th November 2017 particularly paragraph nos. 7, 8, and 9;
- vi) ***Vinod Kumar and others v. Union of India***, in SLP No. 22241-42 of 2016 Decided on 30.01.2024, particularly paragraph nos.7, 8, and 9
- vii) ***Jaggo v. Union of India, 2024 SCC Online SC 3826*** in Civil Appeal No.8157 of 2024, decided on December 20, 2024, particularly paragraphs 5,6,8,14,25 to 27;
- viii) ***Shripal & Anr v. Nagar Nigam, Ghaziabad, 2025 SCC Online SC 221*** Civil Appeal Nos. 8158-8179 of 2024, decided on January 31, 2025, particularly paragraph nos. 4, 7, 13, and 18;
- ix) ***Shri J. Loknathan and others v. Union Of India And Others*** in WPCT NO. 666 of 2012, decided on 09.04.2013;
- x) ***Shri. N. R Sudheer Kumar and others v. The Lieutenant Governor and others*** in WPA/74/2021, decided on 02.04.2024;
- xi) ***The Lieutenant Governor and others v. N. R Sudheer Kumar and others, 2024 SCC Online Cal 11222*** in MAT/29/2024, decided on 16.12.2024;

³ (2015) 8 SCC 265

⁴ AIR 2018 SC 233

xii) ***Directorate of Transport-Versus- Hari Shankar Yadav, 2019***

SCC Online Cal 1852, in WP No. 235 of 2018, decided on 22.07.2019

CONTENTIONS ON BEHALF OF THE RESPONDENTS/ADMINISTRATION:

8. Learned counsel for the Respondents/Administration, Mr Rakesh Kumar, contended that after dismissal of the Special Leave Petition, the Administration approached the GOI, MHA vide letter No 2-9/2007-Rev-Vol. II dated 24.03.2011. The GOI, MHA vide letter No.U-14014/18/2009-ANL dated 26.04.2011 (Flag-D) has also conveyed the approval of the competent authority for creation of 41 supernumerary posts of Choudharies in the Pay Band-1 of Rs 5200-20200 + GP Rs. 1800/- for matriculates and Pay Band-IS Rs 4440-7440-GP Rs. 1300/- for non-matriculates purely on personal basis for the affected individuals who would be regularized against these posts as per the Court's Order. These posts were to be abolished upon falling vacant and were not to be filled up again. The regularisation was to take effect prospectively.

9. The Administration has appointed 41 Choudharies on Supernumerary post as under,

1. Order No.865 dated 30.08.2011(For Non-Matriculate in the Pay Band of Rs.4400-7440 plus Grade Pay of Rs.1300/). A total of 18 candidates were appointed as Non-matriculate.

2. Order No.864 dated 30.08.2011. (for Matriculate in the Pay Band of Rs 5200-20200 plus Grade Pay of Rs. 1800/- A total of 20 candidates were appointed as Matriculate.

3. Order No. 1006 dated 11.10.2011 (For Non-Matriculate in the Pay Band of Rs.4400-7440 plus Grade Pay of Rs.1300/1 One candidate Shri T Veeran was appointed as Non-matriculate

4. Order No. 1060 dated 03.11.2011 (For Non-Matriculate in the Pay Band of Rs.4400-7440 plus Grade Pay of Rs. 1300/) One candidate Shri Jontu Biswas was appointed as Non-matriculate.

- 10.** Subsequently, the appointment orders were modified vide Order No.868 dated 04.08.2012 in compliance with the Hon'ble CAT's Judgement Order dated 27.04.2012 passed in MA No.27/AN/2012 in OA.No. 78/AN/2005 (Prem Kumar & Ors-Vs-Lt. Governor & Ors) and in pursuance of the approval of Ministry of Home Affairs, New Delhi conveyed vide Deputy Secretary to the GOI's Letter No.U-14014/18/2009-ANL dated 05.07.2012 and further conveyed vide Assistant Secretary (Rev) letter No.2-9/2007/Rev (Vol.III) dated 10.07.2012, the appointment of the 41 Choudharies made vide above said order were effected from 22.05.2007. The financial benefits were also drawn and disbursed to the petitioner's w.e.f 22.05.2007.

- 11.** Being aggrieved by the CAT's order dated 27.04.2012, the petitioners filed WPCT No. 14 of 2013 seeking all consequential benefits from the date of initial appointment.
- 12.** It was further contended that the petitioners were appointed against supernumerary posts created in compliance with the CAT's order dated 22.05.2007 in OA No. 78/AN/2005. The CAT clarified, by order dated 27.04.2012, that regularisation would take effect from 22.05.2007 with entitlement to consequential benefits only.
- 13.** During pendency of WPCT No. 14 of 2013, the Hon'ble High Court, by order dated 18.12.2013, directed the Administration to carry out the order dated 22.05.2007 expeditiously. Consequently, the Administration approached the MHA for the creation of regular posts and framing of recruitment rules.
- 14.** The applicants thereafter filed OA No. 351/384/2018 seeking similar reliefs.
- 15.** The learned Tribunal heard both sides on 02-05-2025 in its Circuit Bench at Sri Vijaya Puram and disposed of the same by an Order dated 18-06-2025 as under:-

"In the instant case, there is no doubt that the applicants had been working in the department for a considerable period and their job was perennial in nature. Therefore, we are of the opinion that they should not be deprived of the benefits granted to other similarly placed casual, part time and as per the contractual employees aforementioned judgments of Hon'ble Apex Court. Accordingly, the respondents are directed to consider the case of the

applicants in the light of the aforementioned judgments of Hon'ble Apex Court and extend the consequential benefits to them within a period of three months from the date of receipt of a copy of this order”

- 16.** The Respondents contended that the Applicants were regularised on a Supernumerary post as per the approval conveyed by the GOI, MHA in compliance of the CAT'S Order dated 22.05.2007. The department neither has any such created post nor any RRs for the post of Choudhary in the Revenue Department, so as to consider their appointment from the initial date of appointment as Choudhary, who were appointed on a part-time basis earlier.
- 17.** The impugned order dated 18-06-2025 passed by the Learned Tribunal, is totally bad in law and not sustainable in law and same is liable to be set aside.
- 18.** The impugned order dated 18-06-2025, passed by the learned Tribunal is not in confirmative with the various judicial pronouncement of the Hon'ble Apex Court, whereby and where under the Hon'ble Apex Court has highly deprecated the regularization of persons engaged on part time basis. The learned Tribunal ought to have considered the solemn direction of the Hon'ble Apex court in the case of **Secretary Karnataka & Ors -Vs- Uma Devi & Ors**⁵, whereby the Hon'ble Supreme Court has categorically observed that regularisation of an individual is highly

⁵ (2006) 4 SCC 1

impermissible in the eyes of law, when the appointment is made either by back door or without following the procedure of recruitment and/or sanction. Finally, it has been submitted that the case law cited by the learned Tribunal or the applicants has no applicability in the instant case, and the impugned order was passed only on the ground of sympathy and misconception; as such, the impugned judgment is liable to be set aside by this Hon'ble Court forthwith.

FINDINGS AND ANALYSIS OF THIS COURT

- 19.** This Court has carefully considered the rival contentions advanced on behalf of the respective parties, and upon perusal of the record, we find that the foundational facts are undisputed, that the applicants were engaged long back. The applicants are seeking regularisation from the date of initial appointment with consequential benefits. From time to time, several matters pending between the parties, travelled from one court to another, and ultimately, it travelled up to the Hon'ble Supreme Court. The Hon'ble Supreme Court dismissed the Special Leave Petition filed by the Respondents/Administration. The subject matter of the challenge before the Supreme Court was an impugned order dated 5th September, 2007, passed by the Division Bench of this High Court in WPCT No. 178 of 2007, whereby and whereunder the Division Bench was pleased to dismiss the writ petition filed by the

Administration and affirmed the Order impugned of the Learned Tribunal passed vide its judgment and order dated 22.05,2007. The observation of the Learned Tribunal was inter alia as follows:

“Hence, the OA is allowed. Respondents are directed to consider in detail the entire functional responsibilities of Choudharies, work out the total number of full time Choudhary accordingly frame necessary recruitment rules, reflect therein the total number of posts of Choudharies, and keeping in view the fact that the applicants have been performing the duties of Choudharies, for the past decade plus, consider the case of the applicants for regularization as Choudharies. As the Rules are to be framed, obviously, the same is a time consuming process and hence, a period of eight months (from the date of communication of this is calendared for complying with the above direction of the Tribunal”.

20. The Hon'ble High Court, sitting in Circuit Bench at Port Blair, rejected the WPCT vide Judgment/Order dated 05/09/2007 with the following direction:-

"In view of the Scheme of the said Regulation framed by the government, we fail to appreciate the decisions of the Deputy Commissioner that creation of regular posts of Chaudharis was not justifiable at this juncture. The Central Administrative Tribunal rightly held that there was no logic in the contention of the administration that, due to modernization, there was no work for the Chaudharis

The Writ application is, therefore, rejected. The order of the Central Administrative Tribunal is affirmed".

- 21.** The Respondents have already regularized the applicants with effect from 22.05.2007. The financial benefits were also drawn and disbursed to the Petitioner's w.e.f. 22.05.2007, as they had admitted that the functional responsibilities of Choudharies were perennial in nature. The learned Tribunal had, vide order dated 12.07.1999, directed the respondents to consider the creation of regular posts and framing recruitment rules for Choudharies and to induct the applicants.
- 22.** As per the approval of the Competent Authority, 41 supernumerary posts of Choudharies were created in the Pay Band-1 of Rs 5200-20200 + GP Rs. 1800/- for matriculates and Pay Band-IS Rs 4440-7440-GP Rs. 1300/- for non-matriculates purely on personal basis for the affected individuals who would be regularized against these posts as per the Court's Order. These posts would be abolished once they fall vacant and will not be filled again. The regularisation will take place with prospective effect. However, subsequently, the appointment of the 41 Choudharies was made effective from 22.05.2007.
- 23.** The applicants had also knocked the door of the learned Tribunal and also the Hon'ble High Court at Calcutta (Circuit Bench Sitting at Port Blair) in connection with a Circular dated 29.02.2016 whereby proposal was made to fill up the 18 vacant posts of Patwari (the post immediately higher to that of Choudharies) in the Revenue

Department, Port Blair from amongst the overall sanctioned strength of Amalgamated Clerical Cadre post of LGC/HGC under A&N Administration on diverted capacity for a period of 6/12 months (Annexure A/11). The Hon'ble High Court (Circuit Bench Sitting at Port Blair) in CAN No.042 of 2016 (WPCT No.014 of 2013) vide Order dated 30.03.2016 directed as follows:-

"In the said conspectus of facts it has been argued on behalf of the petitioners that prior to framing of the Recruitment Rules for the post of Choudharies the attempt of the respondents to fill up the post of Patwari would be affecting the promotional channel of the petitioners from the post of Choudhury to the post of Patwari.

We are of the opinion that the said issue as argued by Mr. George cannot be gone into by this Court at this stage and the petitioners would be at liberty to challenge such action of the Administration before the appropriate forum, if so advised and in accordance with law."

- 24.** In the above backdrop, it is crystal clear from the conduct of the respondents that they have not complied with the order of the learned Tribunal passed on 22.05.2007 in letter and spirit.
- 25.** While deciding the Original application, the Learned Tribunal relied upon a recent judgment in the case of **Sripal & Another Vs. Nagar Nigam Ghaziabad** in (Civil Appeal No.157 of 224) dated 31.01.2025. In the said judgment, the Hon'ble Court held that if an employee works continuously without any break in a temporary capacity for a long period, it means that his job is perennial in nature, and such an employee cannot be denied regularisation

under the shield of the Judgment in ***Uma Devi (Supra)***, which distinguishes between regular and irregular appointments. It was further clarified in the said judgment that even irregular appointees are eligible for regularization if they fulfil certain conditions. In ***Sripal (Supra)***, several earlier judgments were also discussed, which are as follows:-

- i. ***Vinod Kamar and Others Etc. Vs. Union of India & Others***⁶
- ii. ***Jaggo Vs. Union of India & Others, 2024 SCC Online SC 3826***, arising out of SLP(C) No.5580 of 2024 etc., dated 20 December, 2024,
- iii. ***Secretary, State of Karnataka Vs. Uma Devi***⁷

26. It would be appropriate to deal with the judgment passed by the Hon'ble Supreme Court by a larger Bench in ***Secretary, State of Karnataka and Others Vs. Umadevi (3) and Others***⁸ with regard to the issue of regularisation of service on the ground of continuing service for a long period. The Hon'ble Supreme Court held in the said judgment that a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent,

⁶ ***(2024)1 SCR 1230***

⁷ ***(2006) 4 SCC 1.***

⁸ ***(2006) 4 SCC 1***

merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules.

- 27.** Appointment made without following due process or the rules for appointment did not confer any right on the appointee and that the Court cannot direct their absorption or regularisation or re-engagement or making them permanent. However, the Hon'ble Supreme Court also held that the cases where irregular appointments (not illegal appointments) as explained in **S.V. Narayanappa⁹, R.N. Nanjundappa¹⁰, and B.N. Nagarajan,¹¹** of duly qualified persons in duly sanctioned vacant posts might have been made, and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by the Court in the cases above referred to and in the light of the judgment. In that context, the Union of India, the State Governments, and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of

⁹ (1967) 1 SCR 128

¹⁰ (1972) 1 SCC 409

¹¹ (1979) 4 SCC 507

tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from the date. The Hon'ble Supreme Court also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further by passing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme.

- 28.** The Hon'ble Supreme Court directed the Union of India, the State Governments, and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts; (2) there should be no further by passing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme in the case of ***Uma Devi (Supra)***.
- 29.** The judgment relied by the applicants in the case of ***Jaggo v. Union of India (supra)***, recognised the indispensable nature of long-serving employees' work and condemned the misuse of temporary employment labels for roles that are essential and recurring. The judgment affirmed that even "irregular"

appointments, if not "illegal", warrant regularisation under the principles established in the ***Uma Devi (Supra) case***.

30. In ***Jaggo (Supra)***, the Hon'ble Supreme Court held in paragraph nos. 26, 27 and 28 as under: -

“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.

28. In view of the above discussion and findings, the appeals are allowed. The impugned orders passed by the High Court and the Tribunal are set aside and the original application is allowed to the following extent:

i. The termination orders dated 27.10.2018 are quashed;

ii. The appellants shall be taken back on duty forthwith and their services regularised forthwith. However, the appellants shall not be entitled to any pecuniary benefits/back wages for the period they have not worked for but would be entitled to continuity of services for the said period and the same would be counted for their post-retiral benefits.”

31. Upon careful perusal of the aforesaid judgments, it is clear and explicit that temporary, casual, or contractual employees of irregular appointments, who were engaged in duly sanctioned posts and had served continuously for a decade, should be considered for regularisation. In the present case all applicants were engaged long back in existing vacant posts.

- 32.** In the present case, the petitioners' service was regularised long back but w.e.f 22.05.2007 without considering their initial appointment date, even though they are entitled to regularisation from the date of initial appointment, since they have been working continuously without a break in service.
- 33.** In the above backdrop, we conclude that the Learned Tribunal should have directed the respondent to regularise their service from the date of their initial appointment since their job was perennial in nature and they have been working since 1996. Furthermore, the Apex Court dismissed the Special Leave Petition earlier filed by the respondents / Administration. Therefore, the impugned Judgement and order passed by the Learned Tribunal is hereby modified to the extent that the Respondents are directed to consider the case of the applicants and regularise their service from the date of initial appointment and extend the consequential benefits to them within a period of three months from the date of communication of this order.
- 34.** As a result, the present writ petition, being **WP.CT 48 of 2026** filed by the petitioners is hereby **allowed** and **WP.CT 60 of 2026** filed by the respondents/Administration is hereby **dismissed** without order as to costs.
- 35.** Interim order, if any, stands vacated.

- 36.** Connected applications, if any, shall also stand disposed of.
- 37.** Urgent photostat certified copy of this Judgment, if applied for, is to be given to the parties on priority basis upon compliance of all legal formalities.

(Ajay Kumar Gupta, J.)

- 38.** I Agree.

(Debangsu Basak, J.)