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

**(1) 115-73 CWP-26643-2025 (O&M)**

**MANOJ KUMAR**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(2) 115-95 CWP-34782-2025 (O&M)**

**RAMESH AND ORS.**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(3) 115-96 CWP-35652-2025 (O&M)**

**KARAM CHAND @ KARM CHAND .....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(4) 115-97 CWP-35676-2025 (O&M)**

**SUKHWINDER SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(5) 115-99 CWP-5568-2025 (O&M)**

**PARKASH CHAND AND ANR.**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

***For Subsequent orders see CWP-27623-2025, CWP-27926-2025, CWP-28165-2025 and 11 more.***

**(6) 115-101 CWP-8055-2025 (O&M)**

**RAJKUMAR**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(7) 115-158 CWP-5522-2020 (O&M)**

**GEETA RAM AND ANR.**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(8) 115-142 CWP-32954-2024 (O&M)**

**RAJBIR**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(9) 115-55 CWP-2257-2025 (O&M)**

**RAM CHANDER AND ORS.**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(10) 115-14 CWP-14212-2025 (O&M)**

**NANHA RAM**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(11) 115-90 CWP-33028-2025 (O&M)**

**HANSRAJ**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

***For Subsequent orders see CWP-27623-2025, CWP-27926-2025, CWP-28165-2025 and 11 more.***

**(12) 115-91** **CWP-33559-2025 (O&M)**

**DIWAN SINGH**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(13) 115-94** **CWP-34284-2025 (O&M)**

**KARAMBIR AND ORS.**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(14) 115-69** **CWP-26185-2024 (O&M)**

**JABAR SINGH**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(15) 115-68** **CWP-25836-2024 (O&M)**

**NANHI DEVI**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(16) 115-62** **CWP-24473-2025 (O&M)**

**SULTAN SINGH AND ANR.**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

**(17) 115-61** **CWP-23934-2024 (O&M)**

**BHIM SINGH**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS**

**.....RESPONDENTS**

***For Subsequent orders see CWP-27623-2025, CWP-27926-2025, CWP-28165-2025 and 11 more.***

**(18) 115-70** **CWP-26190-2024 (O&M)**

**JAI PARKASH**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(19) 115-103** **CWP-26857-2025 (O&M)**

**PANKAJ KUMAR AND ORS.**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(20) 115-143** **CWP-33279-2025 (O&M)**

**RAGHUBIR SINGH**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS..**

**.....RESPONDENTS**

**(21) 115-1** **CWP-1055-2025 (O&M)**

**BIJENDER SINGH**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(22)115-149** **CWP-36214-2025 (O&M)**

**NAFE SINGH AND ORS.**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(23) 115-150** **CWP-36226-2025 (O&M)**

**RAJ KUMAR AND ORS.**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

***For Subsequent orders see CWP-27623-2025, CWP-27926-2025, CWP-28165-2025 and 11 more.***

**(24) 115-114** **CWP-28098-2025 (O&M)**

**MAM CHAND**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(25) 115-118** **CWP-28394-2025 (O&M)**

**GURNAM SINGH**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(26) 115-117** **CWP-28390-2025 (O&M)**

**DHARAM PAL**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(27) 115-115** **CWP-28131-2025 (O&M)**

**SHAMSHER SINGH**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(28) 115-113** **CWP-28092-2025 (O&M)**

**FATEH SINGH**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(29) 115-161** **CWP-7329-2025 (O&M)**

**JILE SINGH @ ZILE SINGH**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

***For Subsequent orders see CWP-27623-2025, CWP-27926-2025, CWP-28165-2025 and 11 more.***

**(30) 115-162** **CWP-10782-2025 (O&M)**

**SHAMSHER SINGH**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(31) 115-128** **CWP-29991-2025 (O&M)**

**RAM PHAL AND ORS.**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(32) 115-129** **CWP-30021-2025 (O&M)**

**KARAMVIR SINGH AND ANR.**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(33) 115-130** **CWP-30445-2025 (O&M)**

**JAI PARKASH @ RAJA**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(34) 115-37** **CWP-22019-2025 (O&M)**

**CHANDGI RAM**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(35) 115-38** **CWP-24463-2025 (O&M)**

**AJMER SINGH @ AZMER SINGH AND ANR.**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

***For Subsequent orders see CWP-27623-2025, CWP-27926-2025, CWP-28165-2025 and 11 more.***

**(36) 115-39 CWP-30438-2025 (O&M)**

**TARSEM SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ANR.**

**.....RESPONDENTS**

**(37) 115-40 CWP-21331-2025 (O&M)**

**MAHABIR SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(38) 115-34 CWP-20301-2025 (O&M)**

**BALKAR SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(39) 115-35 CWP-20318-2025 (O&M)**

**ANIL KUMAR**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(40) 115-36 CWP-21151-2025 (O&M)**

**AMAN KUMAR**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(41) 115-33 CWP-20093-2025 (O&M)**

**VIRBHAN**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

***For Subsequent orders see CWP-27623-2025, CWP-27926-2025, CWP-28165-2025 and 11 more.***

**(42) 115-32** **CWP-20074-2025 (O&M)**

**KARAN SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(43) 115-71** **CWP-26217-2024 (O&M)**

**SANJAY KUMAR**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(44) 115-21** **CWP-16345-2025 (O&M)**

**SURINDER KUMAR**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(45) 115-29** **CWP-19470-2025 (O&M)**

**RAMPHAL**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(46) 115-11** **CWP-13919-2025 (O&M)**

**JARNAIL SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(47) 236** **CWP-11128-2025 (O&M)**

**RAM NIWAS**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

***For Subsequent orders see CWP-27623-2025, CWP-27926-2025, CWP-28165-2025 and 11 more.***

**(48) 115-3** **CWP-10841-2024 (O&M)**

**KULDEEP SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(49) 115-5** **CWP-11470-2025 (O&M)**

**KALA @ RAMDHARI**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

**(50) 115-31** **CWP-20021-2025 (O&M)**

**RANGI RAM**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENTS**

| | | |
|---|---|---|
| 1. | The date when the judgment is reserved | 19.12.2025 |
| 2. | The date when the judgment is pronounced | 23.12.2025 |
| 3. | The date when the judgment is uploaded | 24.12.2025 |
| 4. | Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced | Full |
| 5. | The delay, if any of the pronouncement of full judgment and reason thereof. | Not applicable |

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Ravinder Malik, Sr. Advocate with
Mr. Aman Nain, Advocate and
Mr. Rishab Arora, Advocate
Mr. A.P.Bhandari, Advocate with
Ms. Bhargavi, Advocate
Mr. Divyansh Shukla, Advocate for
Mr. Nipun Vashisth, Advocate with
Ms. Vini, Advocate
Ms. Pooja Gill, Advocate with
Mr. Sandeep Singal, Advocate
Mr. Karan Bhardwaj, Advocate with
Mr. Ishaan, Advocate
Mr. S.B. Kaushik, Advocate with

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Mr. Rajinder Singh Nain, Advocate
Mr. Balwinder Singh, Advocate
Mr. Sandeep Thakur, Advocate
Mr. Deepak Sonak, Advocate with
Mr. Raman Sharma, Advocate
Mr. Shalender Mohan, Advocate
Mr. Surinder Daaria, Advocate with
Ms. Vanshika Daaria, Advocate
Mr. Karan Singla, Advocate
Mr. Sachin Gupta, Advocate and
Ms. Jasleen Kaur, Advocate
Mr. R.S. Mamli, Advocate
for the petitioner(s).

Mr. Govind Chauhan, Advocate and
Mr. Sukhdeep Singh Parmar, Advocate
Mr. Govind Chauhan, Advocate
for the respondent(s).

Mr. R.D. Sharma, DAG, Haryana.
Mr. Deepak Balyan, Addl. A.G., Haryana.

**SANDEEP MOUDGIL, J.**

By way of this common order, the Court intends to dispose of the aforementioned writ petitions, as they involve common questions of fact and law.

For the sake of convenience and clarity, the relevant facts are being extracted from CWP-26643-2025.

***Prayer:***

1. The petitioner has approached this Court under Article 226 of the Constitution of India praying for a quashing of order dated 13.11.2020 (Annexure P-8) and direction to the respondents to regularize the petitioner services in terms of the Regularization Policies dated 01.10.2003 (Annexure P-4) issued by the Government of Haryana or any other applicable policy, at par with other similarly situated employees.

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***Factual Matrix :***

2. The petitioner was initially engaged as a Casual labour with the respondent-department on 10.01.2000 working in various nurseries of Kaithal Forest division. He continued working till her services were terminated in an alleged arbitrary manner on 01.11.2016. Aggrieved, he raised an industrial dispute, and the Labour Court, vide award dated 29.09.2017 (Annexure P-2), held his termination to be illegal and ordered her reinstatement with continuity of service and 50% back wages. The writ petition filed by the department challenging the said award, CWP No. 24970 of 2021, was dismissed by this Court on 05.09.2024 (Annexure P-3).

3. Claiming that he had completed qualifying service under the Regularization Policies dated 01.10.2003 and 10.02.2004 (Annexure P-3 and P-4), the petitioner sought regularization by serving a legal notice dated 05.03.2020 (Annexure P-5) and after the directions of this court in CWP 9999 OF 2020 decided on 17.07.2020, his claim for regularisation was denied vide order dated 13.11.2020 (Annexure P-8) issued by Divisional Forest Officer (DFO) Kaithal on the grounds that the legal notice filed was hopelessly time barred. The petitioner has asserted that the copy of the decision on the representation was never supplied or communicated to him, compelling him to file the COCP -1022-2025 titled as "Rumali Devi and ors. Vs State of Haryana and anr." causing him a loss of 5 years to file this writ petition. Aggrieved by the same, this petition has been filed.

***Contentions:***

***On behalf of the petitioner:***

4. The learned counsel for the petitioner contends that the petitioner was appointed on daily wage basis on 10.01.2000 and continuously worked with the respondent-department till his illegal termination on 01.11.2016. It is submitted

that the said termination was set aside by the learned Labour Court *vide* award dated 29.09.2017, whereby the petitioner was directed to be reinstated with continuity of service and 50% back wages. The said award was upheld by this Court, therefore, the findings regarding illegal termination and continuity of service have attained finality. It is argued that once continuity of service stands granted by a judicial order, the respondents are estopped from disputing the length and nature of the petitioner's service.

5. It is further contended that the petitioner has rendered more than 24 years of continuous service and fully satisfies the eligibility conditions prescribed under the regularization policies dated 01.10.2003 and 10.02.2004 issued by the Government of Haryana. Thus, the denial of the benefit to the petitioner amounts to hostile discrimination and is violative of Articles 14 and 16 of the Constitution of India.

***<u>On behalf of the respondents:</u>***

6. Mr. Sudhir Rajpal, Additional Chief Secretary, Forest Department, has filed his affidavit in compliance with the order dated 16.09.2025 and has tendered an unconditional apology for his earlier non-appearance, attributing the same to miscommunication. On merits, learned State counsel submits that the petitioner is not entitled to regularization as he was never appointed against any vacant or sanctioned post through a constitutionally mandated recruitment process. At best, the petitioner was engaged as a seasonal or temporary labourer to meet exigencies of work, and such engagement was not made by any competent appointing authority. It is submitted that a Forest Guard had no power to make appointments against sanctioned posts and could only engage casual labour for seasonal operations. From the year 2005 onwards, forestry works were executed through a

contract system and, if at all engaged, the petitioner worked through contractors, thereby severing any employer–employee relationship with the Department.

7. It is further submitted that the petitioner does not fulfil the mandatory conditions of the Regularization Policy dated 01.10.2003, particularly the requirement of completion of 240 days of service in any relevant year, and on scrutiny of the available record, he was found ineligible. The claim was therefore rightly rejected by a detailed and reasoned speaking order. Learned State counsel further submits that the policy of 2003 stood withdrawn in 2007 and that subsequent regularization policies have already been set aside by this Court. Reliance is placed upon the judgments of the Hon'ble Supreme Court in *Secretary, State of Karnataka v. Uma Devi*, *State of Karnataka v. G.V. Chandrashekar* and other binding precedents to contend that appointments made dehors the recruitment rules or against non-sanctioned posts cannot be regularized, as the same would amount to backdoor entry and violate Articles 14 and 16 of the Constitution. It is also contended that the writ petition suffers from delay and laches, having been filed nearly five years after the impugned order, and is liable to be dismissed on this ground alone. Further, reliance has been placed on the judgment rendered by this Court in **CWP-17206-2014, titled *Yogesh Tyagi v. State of Haryana***, to contend that the policy introduced by the State Government in the year 2014 envisaging a one-time measure permitting employees to seek regularization under the earlier regularization policies was quashed by this Court. It is further argued that the said judgment has been challenged before the Supreme Court, wherein a direction to maintain status quo was issued vide order dated 26.11.2018. On this basis, the respondents seek to assert that the 2014 policy is no

longer in existence and, consequently, the claim advanced by the petitioners is legally unsustainable.

8. Lastly, it is submitted that continuity of service granted under the Industrial Disputes Act does not confer any right to regularization. The Department has resolved to challenge the relevant judgments by filing a Letters Patent Appeal, necessary directions have already been issued, and until the proposed LPA is adjudicated, the matter has not attained finality. Similar issues are also pending consideration before the Supreme Court..

9. Heard.

**Backdrop of the Court's proceedings**

10. The Court has been examining the State's refusal to regularize the petitioners despite their long service having been conclusively upheld by the Labour Court and affirmed by this Court. On 08.09.2025, the Divisional Forest Officer, Kaithal was directed to appear personally and explain the rejection of regularization on the ground of non-availability of service records, particularly when the Labour Court by award dated 29.09.2017 had recognized the petitioners' employment and the muster rolls for the relevant period were stated to have been weeded out in 2012. However, when the DFO appeared on 16.09.2025, he expressed inability to assist the Court due to his recent posting, and no affidavit or explanation was filed, leading the Court to record serious displeasure and to direct intervention by the Additional Chief Secretary, Forest Department.

11. Thereafter, the Secretary, Forest Department appeared but failed to justify the destruction or non-availability of records. The State relied upon the pendency of further litigation, despite the fact that continuity of service granted by the Labour Court had already been upheld by this Court in CWP No. 24970 of

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2021. The Court questioned the State's contradictory stand of accepting continuity of service while simultaneously asserting absence of employment records, and expressed serious concern over the conduct of litigation without maintaining or producing service records.

12. Despite a specific direction for personal appearance, the Additional Chief Secretary initially failed to appear, resulting in issuance of a show cause notice for contempt. Subsequently, he appeared, tendered an unconditional apology explaining his absence due to miscommunication, and the contempt proceedings were discharged. The Additional Chief Secretary undertook to reconsider the impugned order dated 13.11.2020 and to pass a fresh speaking order, for which time was granted.

13. Pursuant thereto, a speaking order dated 04.11.2025 rejecting the claim for regularization of the petitioner was produced. At that stage, the State disclosed that although it had earlier stated that physical records were weeded out, digital service records were in fact available and had since been traced, and sought time to file detailed written statements.

14. Before delving into the final adjudication of the matter, it is essential to take a careful look at the fresh speaking order dated 04.11.2025 issued by the Forest Department.

15. The Court has perused the speaking order passed by the Department pursuant to the directions dated 17.10.2025 and notes that the petitioner's claim for regularization has been rejected on multiple grounds. The Department has recorded that the petitioner was never appointed against any sanctioned or vacant post nor through a process of recruitment consistent with the constitutional

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scheme, and that any engagement, if at all, was merely seasonal and temporary, made by Forest Guards who lacked authority to appoint. It is further noted that continuity of service granted by the Labour Court pertains only to the purposes of the Industrial Disputes Act and does not confer a right to regularization, particularly when the petitioner did not seek such relief before the Labour Court. On scrutiny of the traced records, including the tabulated attendance data, the petitioner was found not to have completed 240 days of service in any relevant year prior to the cut-off date under the Regularization Policy dated 01.10.2003, nor was he in service on 31.01.1996, rendering him ineligible under the policy, which itself stood withdrawn in 2007. The Department has also relied upon binding precedents of the Supreme Court holding that backdoor or irregular appointments cannot be regularized and that courts cannot direct regularization in the absence of sanctioned posts or compliance with recruitment rules. The order further records that the petitioner briefly rejoined service after the Labour Court award but thereafter abandoned work despite repeated notices, indicating lack of bona fide intention to continue service. It is additionally noted that the petitioner's case was never considered during earlier regularization exercises as he was not in engagement at the relevant time and that no approved seniority list existed to support claims of discrimination. In view of these factual findings and settled legal principles, the Department concluded that the petitioner had no enforceable right to seek regularization and accordingly rejected the claim.

***Analysis:***

16. Having heard the submissions advanced by counsel for both parties and perusing the material placed on record, it is the opinion of the court that the

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present petition may be examined within the dimensions of the following issues framed by this court:

**Issues for Determination**

1. Whether the award of the Labour Court dated 29.09.2017, as affirmed by this Court on 25.09.2024, confers upon the petitioner a legally enforceable right of continuity of service for all consequential purposes, including regularization?

2. Whether the petitioner, having completed the requisite length of service while the Regularization Policies dated 01.10.2003 and 10.02.2004 were in force, possesses a vested or legitimate entitlement to be considered for regularization ?

3. Whether the denial of regularization to the petitioner, despite the regularization of other similarly situated employees and even junior to the petitioner(s), amounts to hostile discrimination in breach of Articles 14 and 16 of the Constitution of India?

4. Whether the respondents can lawfully invoke the principle laid down in Secretary, State of Karnataka v. Uma Devi (2006) 4 SCC 1 to deny regularization in a case arising from a long continuation of service protected by a judicial award and parity-based claim?

5. Whether the present writ petition is liable to be dismissed on the ground of delay and laches.

*Issue No. 1 – Whether the award of the Labour Court dated 07.04.2016, as affirmed by this Court on 03.04.2017, confers upon the petitioner a legally enforceable right of continuity of service for all consequential purposes, including regularization?*

**Effect of the Labour Court award**

17. The Labour Court clearly directed reinstatement with continuity of service *vide* award dated 29.09.2017 (Annexure P-2), which was subsequently affirmed by this Court in CWP No. 24970 of 2021 on 25.09.2024 (Annexure P-3).

18. It is now beyond the pale of controversy that where the Court decides the termination of an employee unlawful, it is empowered to hold that the workman, in the eye of law, never ceased to be in service and the employer's act of severance to be legally infirm and the natural and necessary consequence is the restoration of the workman to his post, together with unbroken continuity of service. In such circumstances, the employer's action is nothing short of an unjust expropriation of the workman's right to labour and his rightful livelihood. Therefore the law intervenes not merely to correct the wrong, but to restore the equilibrium which the employer's unlawful act has disturbed.

19. Continuity is not a symbolic relief it is a legal restoration of service status. The Supreme Court in ***Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya, (2013) 10 SCC 324***, held that once reinstatement with continuity is granted, the employee is deemed to have remained in uninterrupted service for all service-related benefits while holding that,

> "*33. The propositions which can be culled out from the aforementioned judgments are:*
>
> *i) In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule."*

20. This pronouncement at it's heart is based on the doctrine of *restitutio ad integrum*, which commands that when an illegal act of the employer is undone by a court of law, the employee must be restored to the fullest extent possible to

the position he would have occupied but for such illegality. This doctrine, though rooted in civil jurisprudence, is now deeply embedded in service law and labour adjudication.

21. Further, the concept of deemed continuity as evolved in service jurisprudence mandates that continuity once judicially declared cannot be diluted by executive pleadings or administrative reclassification. The respondents' attempt to now contend that the petitioner worked only as a casual worker and is an impeachment of a binding judicial determination, which is impermissible in law.

22. Therefore, the respondents' attempt to now classify the petitioner's service as fragmented or seasonal is a direct challenge to judicial finality. They cannot be permitted to indirectly nullify a binding award passed by a judicial body. The petitioner must be treated as having continued uninterrupted service from the year 2000 when he initially joined. Thus, the first issue is answered in favour of the petitioner.

> *Issue No. 2 – Whether the petitioner, having completed the requisite length of service while the Regularization Policies dated 01.10.2003 and 10.02.2004 were in force, possesses a vested or legitimate entitlement to be considered for regularization ?*

23. The policy dated 01.10.2003, issued *vide* Notification No. G.S.R. 24/Const./Art.309/2003, read with the amendment dated 10.02.2004 (G.S.R. 5/Const./Art.309/2004), was a comprehensive scheme for regularization of Group C and Group D employees working on adhoc, contract or daily wage basis in Haryana. The relevant clause concerning daily wage Group-D employees reads thus:

> *"Only such daily wage employees who have completed three years' service on Group-D posts on 30th September 2003 and were in service on 30th September 2003 shall be regularised against their respective Group-D posts, provided they fulfill the requisite qualification… Provided further that they have worked for a minimum period of 240 days in each year and if the break in service of a daily wage employee has been caused for no fault attributable to him, such break period should be condoned…"*

24. It is true that, pursuant to the judgment rendered in ***Uma Devi (supra)***, the State issued Notification dated 13.04.2007, rescinding earlier regularization notifications, including G.S.R. 24/2003 and G.S.R. 5/2004.

25. However, a perusal of the said judgment makes it abundantly clear that certain guidelines were issued to regularize the services of those employees,who were taken into job on daily wage/adhoc/contractual basis, but at the same time proceeded on to observe that only in a contingency, an adhoc appointment can be made in a permanent vacancy, but the same should soon be followed by a regular recruitment and that appointments to none available posts should not be taken not for regularization. It has also further says that the cases directing regularization, wherein the employees have been permitted to work for some period should be absorb without really laying down any law to that effect, after discussing the constitutional scheme for public employment.

26. In the instant case, admittedly the petitioner has been working since 2000 i.e., more than 2 ½ decades as on date, but for one or the other reason taking excuses, the respondent-State has absolved itself from the duty as a socialistic welfare State, which otherwise tantamounts to unfair labour practice or unfair means on its part to avail the services of such petitioners to their own advantage,

who have devoted his life span for a meagre amount, which may not be even sufficient to maintain themselves what to talk of their dependents in the family.

27. After the judgment of *Uma Devi (supra),* the Supreme Court in '***Union of India and others vs. Vartak Labour Union, 2011(2) SLR 414***, quashed the judgment delivered by a Division Bench of the Gauhati High Court wherein a direction was issued to regularize employees of Union who had put in about 30 years of service with the BRO. However, the Supreme Court gave a directions to the Union of India to consider enacting an appropriate regulation/scheme for absorption and regularization of the services of the casual workers engaged by BRO for execution of its on-going project.

28. Even a Division Bench of our own High Court in '***Union of India and others vs. Surinder Pal and others, 2012(3) SLR 433'*** affirmed the decision of the Single Bench, who gave direction to the respondents to frame a scheme in terms of the directions issued by Supreme Court in ***Vartak Labour Union's*** case (supra).

29. In '***State of U.P. and others Vs. Putti Lal (2006) 9 SCC 337***, the employees claimed regular wages keeping in view the fact that they have been working on daily wage basis for number of years. The High Court allowed the writ petition holding that all daily wage workers, who have rendered 10 years of service should be regularized by making appropriate scheme. In terms of proviso to Article 309 of the Constitution, rules were framed for regularization of daily wage employees. In the aforesaid case, a three Judges' Bench of Supreme Court upheld the order that daily wagers discharging the similar duties as those in the regular appointment would be entitle to draw at the minimum of pay scale being

received by their counter parts and would not be entitled to any other allowances or increment so long as they continue as daily wager. After returning such finding, the Court observed as under:

> *"6. ... The fact that the employees have been allowed to continue for so many years indicates the existence or the necessity for having such posts. But still it would not be open for the Court to indicate as to how many posts would be created for the absorption of these daily-wage workers. Needless to mention that the appropriate authority will consider the case of these daily-wagers sympathetically who have discharged the duties for all these years to the satisfaction of their authority concerned. So far as the salary is concerned, as we have stated in the case of the State of Uttar Pradesh, a daily wager in the State of Uttaranchal would be also entitled to the minimum of the pay scale as is available to his counterpart in the Government until his services are regularized and he is given regular scale of pay."*

30. Support may also be drawn from ***"Ram Rattan & ors. vs. State of Haryana & ors."*** in ***CWP-34585-2019*** decided on 19.10.2023, wherein this court directed consideration and regularization in terms of the 2003 regularization policy even when the State relied upon ***Uma Devi (supra)*** to deny benefits to daily wage employees observing that the intent of the apex court was to protect employees from exploitation and that public employment is a facet of right to equality envisaged under Article 16 of the Constitution and that State is although a model employer, its right to create posts and recruit people, therefore, emanates from the statutes or statutory rules and that non regularization into service of such part-time employees who have put in their whole life in the service of the respondent, would tantamount to violation of fundamental rights of equality before law and equality of opportunity in matters relating to employment under the State, as enshrined

under Article 14 & 16(1) of the Constitution. Following directions were issued by this Court:-

> *"(32). In addition to the above, even principle of natural justice, too demand that the petitioners cannot be denied the benefit of regularization of services when their similarly placed employees have been granted the said benefit.*
>
> *(33). Accordingly, the respondents are directed to consider the case of the petitioners for regularization of service in view of the policy dated 01.10.2003 as amended on 10.02.2004 issued by the Government of Haryana and to pass necessary orders regularizing their services, within a period of one month from the date of receipt of certified copy of this order. The petitioners shall also be entitled to all the benefits of regularization and consequential relief to which they are eligible including the arrears of salary.*
>
> *(34). This case is also being peculiar wherein Class-IV employees are forced to undergo multiple round of litigation for their claim to which they became eligible in the year 2003 and are fighting for their legal rights for two decades, this Court cannot close its eyes to the pain and sufferings and the harassment with which this strata of society has been dealt with, needs to be compensated, though cannot be done so by any means after such a long number of years, the respondent No.3 shall pay 6 % interest per annum on the arrears from the date it became due till the date of its realization to which the petitioners are found entitled on regularization into service."*

31. These judicial pronouncements make it abundantly clear that, although the notification dated 18.06.2014 was quashed by this Court in the ***Yogesh Tyagi case (supra)*** and the matter is currently pending before the Supreme Court, the rights that had already accrued to the employees including their legitimate entitlement to regularisation under the now-rescinded policies cannot be extinguished merely because those one-time measure policies were struck down.

The Court has repeatedly emphasised that the State must not, through an arbitrary exercise of its constitutional powers, inflict injustice upon members of the lower strata of society who have served it for many years and would otherwise suffer undue hardship.

32. This court is also sanguine of the jurisprudence emerging from *Uma Devi* (supra) and subsequent decisions of the Supreme Court reflects a clear intention to safeguard employees from exploitation. The Court has repeatedly underscored that governments should not perpetuate ad-hoc or contractual employment by issuing regularisation schemes at their convenience. Instead, as a one-time measure, only those employees who have completed ten years of continuous service are to be considered for regularisation. These directions must be understood in light of fundamental principles of legal interpretation, which require that the law be construed in a manner that protects the vulnerable and preserves the legitimate rights of employees. Individuals cannot be left to serve indefinitely on daily-wage, contractual, work-charged, or part-time posts without a fair opportunity for regularisation.

**Legitimate Expectation**

33. Otherwise also, the withdrawal of a beneficial administrative scheme does not retrospectively wipe out accrued rights or legitimate expectation, especially when denial occurred due to illegal termination later corrected by judicial adjudication. In "***Union of India v. Hindustan Development Corporation, (1993) 3 SCC 499"***, the Supreme Court recognized legitimate expectation as part of constitutional fairness wherein it was held,

> *"29. This is a three-fold present : the present as we experience it, the past as a present memory and future as a present expectation. For legal purposes, the expectation cannot be the same as anticipation. It is different from a wish, a desire or a hope nor can it amount to a claim or demand on the ground of a right. However earnest and sincere a wish, a desire or a hope may be and however confidently one may look to them to be fulfilled, they by themselves cannot amount to an assertable expectation and a mere disappointment does not attract legal consequences. A pious hope even leading to a moral obligation cannot amount to a legitimate expectation. The legitimacy of an expectation can be inferred only if it is founded on the sanction of law or custom or an established procedure followed in regular and natural sequence. Again it is distiguishable from a genuine expectation. Such expectation should be justifiably legitimate and protectable. Every such legitimate expectation does not by itself fructify into a right and therefore it does not amount to a right in the conventional sense.*
>
> *30. It has to be noticed that the concept of legitimate expectation in administrative law has now, undoubtedly, gained sufficient importance. It is stated that "Legitimate expectation" is the latest recruit to a long list of concepts fashioned by the courts for the review of administrative action and this creation takes its place beside such principles as the rules of natural justice, unreasonableness, the fiduciary duty of local authorities and "in future, perhaps, the principle of proportionately".*

34. The petitioner's entitlement under the Regularization Policies of 2003–2004 is reinforced by the well-established doctrine of *Accrued or Crystallised Rights*. Once an employee fulfills all the conditions of a policy while it is in operation, the benefit is no longer contingent but becomes a vested entitlement which cannot be retrospectively defeated by subsequent administrative

withdrawal. The petitioner having completed the qualifying service much prior to 30.09.2003, her right to be considered for regularization stood crystallised on that date.

**Substantive Conditions for Regularization Policy**

35. The Regularization Policy dated 01.10.2003, as amended on 10.02.2004, prescribes specific conditions for regularization of daily wage Group-D employees, namely:

(i) engagement on a Group-D post;

(ii) completion of three years' service as on 30.09.2003;

(iii) should be in service on 30.09.2003;

(iv) possession of requisite qualification on the date of engagement or on 30.09.2003;

(v) working for at least 240 days in each qualifying year and;

(vi) condonation of breaks not attributable to the employee.

36. Each of these conditions stands fully satisfied in the present case.

37. It is undisputed that the petitioner was appointed as a casual worker to work in nurseries, a Group-D post, on daily wage basis on 10.01.2000. Thus, by 30.09.2003, the petitioner had already rendered more than three years of service as prescribed under the policy. The Labour Court, while adjudicating the industrial dispute, specifically recorded that the petitioner had worked continuously. Therefore conclusively establishes fulfillment of the "240 days per year" requirement.

38. As regards the condition of being "in service on 30.09.2003", the material placed on record states that the petitioner served as a casual worker

continuously till November, 2016 thereby clarifying that the petitioner was indeed in service on 30.09.2003 and fulfills this condition as well for the purpose of being covered under the policy.

39. The argument raised by the respondent that the petitioner is a "back-door entrant" and therefore barred from regularisation under *Uma Devi (supra)* does not hold when viewed in light of the principles recognised in the subsequent cases of the Supreme court where they have clarified that *Uma Devi (supra)* cannot be applied in a mechanical manner to deny relief to employees who have worked for the State for long periods with its full knowledge and approval and the engagement has continued uninterrupted for years and the State has benefitted from that service throughout. It would be unjust to now discard the employee after serving the State and its citizens for more than 25 years solely because the initial appointment lacked a formal advertisement or selection process especially when this irregularity is attributable entirely to the employer.

40. The plea regarding breaks in service also cannot be sustained as the illegal termination dated 01.11.2016 has already been set aside with continuity in service by virtue of the Labour Court award 29.09.2017 reinstating his/her back in service. The policy itself mandates that breaks not attributable to the employee shall be condoned. Once judicial continuity has been granted, such interruption stands obliterated in the eyes of law and cannot be used as a ground to defeat regularization.

41. Moreover, the material on record demonstrates that the petitioner has been continuously discharging duties of a perennial nature on a Group-D post and that several similarly situated employees in the same department have already

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been regularized. Once the State has applied the regularization policy to others working on the same set of duties, it cannot selectively deny its applicability to the petitioner by raising the plea of non-sanctioned post at this belated stage.

42. In view of the undisputed date of initial engagement, the length of service, fulfillment of 240 days' work per year, the absence of any qualification-related disqualification, and the legal effect of continuity of service, this Court holds that the petitioner fulfills all substantive eligibility conditions prescribed under the Regularization Policies dated 01.10.2003 and 10.02.2004. Therefore the exclusion of the petitioner from regularization cannot be justified on the ground of non-fulfilment of policy criteria. Thus, the Issue No. 2 is also decided in favour of the petitioner.

*Issue No. 3 – Whether the denial of regularization to the petitioner, despite the regularization of other similarly situated employees, amounts to hostile discrimination in breach of Articles 14 and 16 of the Constitution of India?*

**Parity with Similarly Situated Employees**

43. It is pertinent to note that the petitioner has placed on record material to show that several employees working on Group-D posts in the same department, performing identical duties and governed by the same policy framework and even junior to him have been granted the benefit of regularization to which there is no specific denial by the State in its written statement.

44. Equality before law requires that persons similarly situated must be treated alike. Any State action which suffers from arbitrariness is violative of Article 14 of the Constitution. The Supreme Court in "***E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3"***, held that arbitrariness is the very negation of

equality. Where a policy has been applied in favour of certain members of a class, its denial to another member of the same class, without any rational or intelligible basis, renders the action discriminatory. The respondents have not been able to point out any legally sustainable distinction between the petitioner and those who have already been regularized.

45. Moreover, the Apex court in "***State of Karnataka v. M.L. Kesari, (2010) 9 SCC 247"*** while clarifying that the ratio laid in Uma Devi must not be misused to defeat legitimate claims under existing schemes held that,

> *"7. At the end of six months from the date of decision in Umadevi, cases of several daily-wage/ad-hoc/casual employees were still pending before Courts. Consequently, several departments and instrumentalities did not commence the one-time regularisation process. On the other hand, some Government departments or instrumentalities undertook the one-time exercise excluding several employees from consideration either on the ground that their cases were pending in courts or due to sheer oversight. In such circumstances, the employees who were entitled to be considered in terms of Para 53 of the decision in Umadevi, will not lose their right to be considered for regularization, merely because the one-time exercise was completed without considering their cases, or because the six month period mentioned in para 53 of Umadevi has expired. The one-time exercise should consider all daily- wage/adhoc/those employees who had put in 10 years of continuous service as on 10.4.2006 without availing the protection of any interim orders of courts or tribunals. If any employer had held the one-time exercise in terms of para 53 of Umadevi, but did not consider the cases of some employees who were entitled to the benefit of para 53 of Umadevi, the employer concerned should consider their cases also, as a continuation of the one-time exercise. The one time exercise will be*

> *concluded only when all the employees who are entitled to be considered in terms of Para 53 of Umadevi, are so considered."*

46. This pronouncement squarely applies to the present case as the petitioner had completed more than 20 years of continuous service and all conditions for considering him for regularization stood fulfiled. Even then, excluding him from consideration, while extending regularization to others similarly situated, is precisely the mischief ***M.L. Kesari (supra)*** cautions against.

47. In view of the admitted fact that similarly situated employees have been extended the benefit of regularization, and in the absence of any valid distinguishing factor, the denial of the same benefit to the petitioner is clearly arbitrary and violative of Articles 14 and 16 of the Constitution of India.

48. In "***Jaggo v. Union of India 2025 All SCR 778",*** it was categorically observed by the apex court that,

> *"we find that the appellants' long and uninterrupted service, for periods extending well beyond ten years, cannot be brushed aside merely by labelling their initial appointments as part-time or contractual. The essence of their employment must be considered in the light of their sustained contribution, the integral nature of their work, and the fact that no evidence suggests their entry was through any illegal or surreptitious route."*

49. Regularization, in these circumstances, is not a matter of benevolence but it flows inexorably from fairness, from precedent, and from the State's own policy framework. Having enjoyed the petitioner's services for twenty years, the State is estopped from turning around and disowning its obligations on the flimsiest of grounds. Such an approach would not only be arbitrary, but would also

render the constitutional guarantee of equality a mere illusion. Owing to the discussion, this issue is answered in favour of the petitioner.

*Issue No. 4 – Whether the respondents can lawfully invoke the principle laid down in Secretary, State of Karnataka v. Uma Devi (2006) 4 SCC 1 to deny regularization in a case arising from a long continuation of service protected by a judicial award and parity-based claim?*

50. The respondents' reliance on ***Uma Devi (supra)*** is fundamentally misplaced. The ratio in *Uma Devi* was directed at preventing courts from creating backdoor appointments or directing regularization in the absence of a policy framework. It was never intended to invalidate regularization processes consciously framed by the State itself or to deprive long-serving employees of benefits that similarly situated co-workers have already been granted.

51. This Court is conscious of the fact that the claim set forth by the petitioners before this Court has been sought in pursuance of Article 14 as well as Article 16, wherein the facts become clearly distinguishable from the facts of Uma Devi's case (supra). The Supreme Court in '***Om Prakash vs.The State of West Bengal and Ors, in Civil Appeal No.420 of 2023 decided on 19.05.2023***, while discussing this very factual circumstance having discussed Uma Devi's case (supra) dealing with identical facts, as involved in the instant petition observed that non regularization into service of such employees would tantamount to violation of fundamental rights of equality before law and equality of opportunity in matters relating to employment under the State, as enshrined under Article 14 & 16(1) of the Constitution respectively.

52. Moreover, in the case of ***Jaggo (supra)***, it was observed by the Apex Court that the judgement of Uma Devi was not intended to defeat of the claim for

regularisation of employees whose appointment was though irregular but not unlawful, it was a safeguard against illegal appointments, relevant extract if which is as under,

> *"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."*
>
> *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."*

53. Thus, the invocation of *Uma Devi* is not merely untenable it is a selective and distorted reading of the judgment, divorced from the factual matrix and the subsequent clarifications by the Apex Court.

54. In subsequent, judicial pronouncements while taking note of ***Uma Devi's case (supra)***, the Supreme Court in "***Nihal Singh and Ors. VS. State of Punjab and Ors. vide Civil Appeal No.635 of 2013"*** held that Uma Devi judgment cannot be a licence for exploitation by the State and its instrumentalities, who directed the State of Punjab to regularize the services of the appellants even by creating necessary posts within a period of three months from the date of judgment

holding the appellants/employee entitled to all the benefits of services attached to the post, who are similar in nature.

55. The Supreme Court of India in a three judges Bench decision in "***Prem Singh vs. State of Uttar Pradesh and Ors., 2019 (10) SCC 516"*** also considered Uma Devi's case (supra) and directed to regularize the service of those employees, who have worked for 10 years or more alongwith all other benefits to which they became entitled and also for some of the employees therein, who have attained the age of superannuation, were held entitled to receive pension as if they have retired from the regular establishment as can be read from the relevant para 35 of this judgment.

> *"35. There are some of the employees who have not been regularized in spite of having rendered the services for 30-40 or more years whereas they have been superannuated. As they have worked in the work-charged establishment, not against any particular project, their services ought to have been regularized under the Government instructions and even as per the decision of this Court in Secretary, State of Karnataka & Ors. v. Uma Devi 2006 (4) SCC 1. This Court in the said decision has laid down that in case services have been rendered for more than ten years without the cover of the Court's order, as one time measure, the services be regularized of such employees. In the facts of the case, those employees who have worked for ten years or more should have been regularized. It would not be proper to regulate them for consideration of regularisation as others have been regularised, we direct that their services be treated as a regular one."*

56. It is thus abundantly clear that the ratio of Uma Devi's case (supra) would also not be handy to the respondent-department as there are consistent enunciation of law directing regularization of services of such daily rated/casual worker/work charged/contractual/adhoc employees, who have rendered 10 or more years of service.

57. The submission advanced on behalf of the respondents, founded upon the judgment in **Yogesh Tyagi (supra)**, cannot be accepted in the facts and

circumstances of the present case. It is not in dispute that vide notification dated 29.07.2007, the State withdrew and superseded the existing regularization policies. However, the mere withdrawal of policy cannot operate to extinguish accrued and crystallized rights of employees who had already rendered long, continuous service and had otherwise become eligible for consideration for regularization prior thereto.

58. This Court cannot lose sight of the fact that the petitioner had completed the requisite length of service much before the issuance of the 2007 notification. The failure to regularize the petitioner at the relevant time was not attributable to any lapse on his part, but was solely on account of inaction and delay on the part of the State. The law is well settled that the State cannot be permitted to take advantage of its own omission to defeat legitimate claims of its employees. Timely consideration for regularization was not a matter of discretion alone, but a constitutional obligation flowing from Articles 14 and 16 of the Constitution of India. The issue is no longer res integra in view of the judgment discussed above in **Jago's case (supra)** wherein relief was granted notwithstanding the absence or withdrawal of an operative policy. The Court therein recognized that where an employee has served the State for decades on end, performing duties of a regular nature, denial of regularization would amount to exploitation and arbitrary exercise of power. The emphasis, therefore, was not merely on the existence of a policy, but on the conduct of the employer and the legitimate expectation created in favour of the employee by prolonged engagement.

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59. Viewed thus, the reliance placed upon **Yogesh Tyagi (supra)** is clearly misplaced. The said judgment dealt with the validity of the 2014 policy and the permissibility of seeking regularization under earlier policies through a one-time measure. The present case, however, does not seek regularization by invoking the 2014 policy, nor does it challenge the withdrawal of earlier policies. The petitioner's claim rests on the principle that he ought to have been regularized at the point in time when he fulfilled all eligibility conditions, and that the State's failure to act cannot now be used as a shield to deny him substantive justice.

60. To deny relief in the present case would not only perpetuate arbitrariness, but would also result in hostile discrimination, particularly when similarly situated employees have been extended the benefit of regularization. Equality before law does not countenance such selective application of policy, nor does it permit the State to regularize some while indefinitely continuing others in a state of contractual uncertainty. Accordingly, this Court is of the considered view that the petitioner is entitled to regularization, not as a matter of policy indulgence, but as a consequence of constitutional mandate, equitable principles, and the State's duty to act fairly. The claim of the petitioner, therefore, deserves to be allowed, with regularization to take effect from the date he became eligible, along with all consequential benefits, as admissible in law.

61. Lastly, the question as to whether the petitioner was not recruited through employment exchange or other proper mode of recruitment i.e., by way of advertisement etc., after inviting applications needs to be examined considering various other factors, which cannot be ignored at any cost for a poor employee,

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who has devoted 25 years of her life. It cannot ever be the intent and spirit of either the law framers or of the Court of law as its guardian not to protect a citizen from exploitation and from falling prey to unfair labour practice at the hands of none other than but the State Governments itself. The length of service in the instant case is good enough and a strong reason weighing to the mind of this Court to hold that there is a regular need of work and her services are required but the State Government is probably shrugging off its responsibility.

62. Further, the Model Employer Doctrine obligates the State to act fairly, consistently and with a sense of responsibility towards employees who have served it for long years. To deny consideration under an operative policy by citing Uma Devi, while simultaneously granting the very same benefit to others, would defeat this standard of conduct expected of the State. It is imperative for government departments to lead by example in providing fair and stable employment. 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.

63. Thus, the reliance placed by the respondents upon the judgment in ***Uma Devi (supra)*** to deny the claim of regularization of the petitioner hereby fails.

*Issue No.5- Whether the present writ petition is liable to be dismissed on the ground of delay and laches .*

64. The objection of delay and laches raised by the State is wholly misconceived and cannot be sustained in the facts of the present case. Though the impugned order rejecting the petitioner's claim for regularization is dated 13.11.2020, the same was never communicated or supplied to the petitioner despite being passed pursuant to directions of this Court in CWP No. 9999 of 2020

decided on 17.07.2020. The petitioner has specifically pleaded that he had no knowledge of the rejection order and came to know about the same only in the year 2025, when the respondents relied upon it in contempt proceedings, namely COCP No. 1022 of 2025 titled Rumali Devi and others v. State of Haryana and another. The loss of time, therefore, is directly attributable to the inaction and omission of the respondent-Department in not communicating its decision, and the petitioner cannot be penalized for a delay caused by the State itself. It is well settled that limitation or laches cannot be computed against a litigant until the impugned order is made known to him. Accordingly, the plea of delay and laches raised by the State is untenable and is rejected.

65. In view of the law laid down by the Supreme Court in ***"Union of India & Others v. Ilmo Devi & Another"*** *in* Civil Appeal Nos. 5689–5690 of 2021, decided on 07.10.2021, it is settled that the writ jurisdiction of this Court under Article 226 of the Constitution of India does not empower it to issue directions or a writ of mandamus to the State for creation or sanction of posts, such matters being within the exclusive prerogative of the executive. Though, the State cannot be compelled to frame or implement a particular policy of regularization it cannot be disputed that the State, guided by the Directive Principles of State Policy, is expected to evolve policies that ensure protection and provide a conducive working environment for its employees, so as to foster efficiency and a sense of security. In the present writ petition, such a welfare-oriented and considered approach on the part of the State is found to be conspicuously lacking.

***Conclusion:***

66. In view of the discussion above, this Court holds that the petitioner satisfied the conditions of the regularization policy dated 01.10.2003 (as amended

on 10.02.2004) during the period it was in force. The withdrawal of the said policies cannot defeat the petitioner's claim when similarly situated and even junior employees have been granted regularization by the respondents under the same policy framework or under subsequent schemes. It must not be forgotten that justice is not merely about technical legality but about ensuring that the constitutional promise of equality is lived in practice.

**67.** In consequence thereof, the respondents are directed to reconsider and decide the petitioner's claim for regularization strictly in terms of the Government of Haryana Regularization Policy dated 01.10.2003, as amended on 10.02.2004, and to pass appropriate orders granting regular status within a period of one month from the date of receipt of a certified copy of this judgment. Upon such regularization, the petitioner shall be entitled to all consequential benefits flowing therefrom, including payment of arrears of salary in accordance with law.

68. This Court is mindful of the prolonged period of hardship, insecurity, and deprivation suffered by the petitioner, who belongs to a vulnerable section of the workforce. While the passage of time cannot be undone, the ends of justice warrant meaningful relief. Accordingly, the arrears payable to the petitioner shall carry interest at the rate of 6% per annum, calculated from the date the amounts became due till the date of actual disbursement, as a measured acknowledgment of the delay in enforcement of his lawful rights.

69. All pending miscellaneous applications, if any, are disposed of in view of the above directions.

70. The writ petitions are allowed in the aforesaid terms.

**(SANDEEP MOUDGIL)**
**JUDGE**

**23.12.2025**
*anuradha*

*Whether speaking/reasoned : Yes/No*
*Whether reportable : Yes/No*

***For Subsequent orders see CWP-27623-2025, CWP-27926-2025, CWP-28165-2025 and 11 more.***