RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 1110/2015
CNR: RJHC010187882015 | URN: CW / 2466U / 2015

Soraj Meena S/o Ladu Lal Meena, Age about 53 years, R/o Naya Gaon (Ranipura), Tehsil & District-Tonk, at presently working as work charged helper in the office of Assistant Engineer (C & M), TCC-VII, R.R.V.P.N. Ltd., Nimbaheda, District-Chittorgarh.

Rajasthan High Court
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----Petitioner

Versus

1. State of Rajasthan through the Secretary, Energy Department, Jaipur.

2. Rajasthan Rajya Vidyut Prasaran Nigam Ltd. Through its Chairman & Managing Director, Vidhyut Bhawan, Vidhyut Marg, Jyoti Nagar, Jaipur.

3. The Secretary (Adm.), Rajasthan Rajya Vidyut Prasaran Nigam Ltd., Vidhyut Bhawan, Vidhyut Marg, Jyoti Nagar, Jaipur.

4. The Superintending Engineer (T.C.C.), Rajasthan Rajya Vidyut Prasaran Nigam Ltd., Patel Circle, Udaipur.

5. Assistant Engineer (C & M), T.C.C.-VII, Rajasthan Rajya Vidyut Prasaran Nigam Ltd., Nimbaheda, District-Chittorgarh.

----Respondents

For Petitioner(s)	:	Mr. Manish Pitaliya Mr. Kaushik Suthar Mr. Shyam Charan
For Respondent(s)	:	Mr. Shiv Kumar Vyas Mr. Hanuman Singh Gaur Mr. Dharam Singh Jaggu

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HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

05/11/2026

1. The instant writ petition has been filed by the petitioner with a prayer to issue directions to the respondents to regularize the services of the petitioner on the post of Helper-II from the date of

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completion of two years services by the petitioner in the department i.e. from 20.04.2004 with all consequential benefits.

2. Learned counsel for the petitioner submits that the petitioner was initially appointed by the respondents on muster roll basis on 3.7.1991 and his services were extended from time to time, and he worked with the respondents till 30.07.1992. The respondents vide order dated 16.4.2002 again engaged the petitioner as Helper-II and the petitioner joined his duty on 18.4.2002. Learned counsel for the petitioner submits that the petitioner continued with the respondents for a long period up to 09.06.2026, the date on which the petitioner was retired from the services on attaining the age of superannuation i.e. 60 years. He submits that even after a long working with the respondents, the services of the petitioner have not been regularized, though there was a specific provision under the respondent, though there was specific provision made by the respondents regarding the regularization of the services of an employee who has completed two years continuous service with them.

3. Learned counsel for the petitioner has referred the order dated 15.01.1988 issued by the Rajasthan State Electricity Board, which was later on merged into the respondent company. Learned counsel for the petitioner also submits that a similarly situated employee named Raghuveer Singh, as regards the regularization of his services, approached the Industrial Tribunal, and the Tribunal vide its award dated 14.06.2007 in LCR number 12-2005 held that the petitioner is entitled for regularization of services on completion of two years service. The respondents in compliance of the award issued the order dated 01.12.2010 for implementation

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of the award passed in favour of the Raghuveer Singh, meaning thereby the services of the said Raghuveer Singh have been regularized as per the terms of the award.

4. Learned counsel further submits that when in a case of similarly situated persons, the court issued certain directions for extending some benefits, then the respondents are under obligation to extend same benefits to the similarly situated person so as to avoid the fresh litigation.

5. Learned counsel appearing for the respondent company opposed the claim of the petitioner and submits that the petitioner stood retired from the services of the respondent with effect from 09.06.2026. He also submits that the petitioner was having an alternative remedy to approach the Labor Court as was availed by the similarly situated employee Raghuveer Singh.

6. Heard and considered the submissions made by the counsel for the respective parties.

7. As per the facts on record, the petitioner was initially engaged on muster roll basis with effect from 03.07.1991 as an Helper-II and he worked with the respondents till 30.07.1992, when her services were terminated. The respondents vide order dated 16.4.2002 again allowed rejoining to the petitioner as Helper-II and in pursuance of that order, the petitioner joined his duties on 18.4.2002 and continued in service till 19.06.2026 i.e. on the date when the petitioner was retired from services on attaining the age of superannuation. The order dated 15.01.1988 issued by the respondent clearly speaks that as a screening committee was to be constituted for considering the cases of such employees for regularization who have completed two years

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continuous service. Learned counsel appearing for the respondent does not controvert this fact that the petitioner and one Raghuveer Singh were the employees who were similarly situated in regard to their terms and conditions of the employment. It is also not in dispute that the Raghuveer Singh approached the Labor Court for seeking declaration of regularization of his services and the Labor Court vide order dated 14.06.2007 held that Raghuveer Singh is entitled for regularization of the services with effect from 20.04.2004. Against the order passed by the Labor Court, the respondents preferred writ petition before the High Court. The respondents vide their letter dated 01.12.2010 ordered to implement the award passed in favour of the Raghuveer Singh, meaning thereby the respondents have allowed the regularization of the services of Raghuveer Singh with effect from the 12.04.2004 as answered by the learned Labor Court.

8. As per the facts and documents on record, the office of the Executive Engineer in (IV)/TCC.VII RRVPNL Banswara vide its letter dated 05.06.2004 written to the personal officer requested to get the screening committee constituted and arrange to allow regular pay scale to the incumbents who have completed two years continuous service. This was a letter in reference to the petitioner and one Raghuveer Singh (whose services have already been whose services have already been regularized).

9. The Assistant Engineer - IX(TCC-VII)RRVPNL Salumber again wrote to the Personal Officer RRVPNL to look into the matter regarding the claim of the petitioner for regularization of services. Then again, a letter was written by the Assistant Engineer on 06.02.2006 for considering the case of the petitioner for

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regularization of services. By another letter dated 22.07.2006 by the personal officer to the deputy director RRVPNL Jaipur has requested to consider the case of the petitioner for regularization of services so as to avoid any litigation. On representation submitted by the petitioner, the Assistant Engineer RRVPNL Nimbahera vide letter dated 21.08.2007 again requested the personal officer to consider the case of the petitioner for regularization of his services. The petitioner is said to have submitted several other representations for regularization of his services. The petitioner is said to have also served notice for demand of justice to his lawyer on 16.06.2014, but no favorable action was taken and thereafter the petitioner has to prefer this writ petition. As per the letter dated 05.06.2004 (Annexure-3) written by the Executive Engineer, the case of the petitioner and the Raghuveer Singh is very similar. The Raghuveer Singh approached the Labor Court and the Labor Court vide its award dated 14.06.2007 has held that the Raghuveer Singh is entitled for regularization of the services with effect from 20th of April 2004. The respondents have also ordered for implementation of the said award and are extended the benefit of regularization of his services with effect from the date i.e. 20.04.2004 as ordered by the Labor Court.

10. Learned counsel for the respondents do not dispute the fact that the order dated 15.01.1988 also issued by the respondents in respect of considering the cases of the such employees who have completed two years services for regularization of his services.

11. In view of the aforesaid facts, this court can unhesitatingly observes that the case of the petitioner is not distinguishable from

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the case of Raghuveer Singh, whose services have already been regularized in view of the implementation of the award passed by the Labor Court and thus, the respondent company which is a Government undertaking, is expected to extend the same benefits to an employee which are being extended to the other similarly situated employee. The respondent company being a welfare State cannot make discrimination amongst the similarly situated employees.

12. The Hon'ble Apex Court in the case of ***Dharam Singh & Ors. vs. State of UP & Ors. (Civil Appeal No. 8558/2018)*** decided on 19.8.2025 observed as under:-

> *"17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.*
>
> *18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed*

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workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.

19. Having regard to the long, undisputed service of the appellants, the admitted perennial nature of their duties, and the material indicating vacancies and comparator regularisations, we issue the following directions:

i. ***Regularization and creation of Supernumerary posts:*** *All appellants shall stand regularized with effect from 24.04.2002, the date on which the High Court directed a fresh recommendation by the Commission and a fresh decision by the State on sanctioning posts for the appellants. For this purpose, the State and the successor establishment (U.P. Education Services Selection Commission) shall create supernumerary posts in the corresponding cadres, Class-III (Driver or equivalent) and Class-IV (Peon/Attendant/Guard or equivalent) without any caveats or preconditions. On regularization, each appellant shall be placed at not less than the minimum of the regular pay-scale for the post, with protection of last-drawn wages if higher and the appellants shall be entitled to the subsequent increments in the pay scale as per the pay grade. For seniority and promotion, service shall count from the date of regularization as given above.*

ii. ***Financial consequences and arrears:*** *Each appellant shall be paid as arrears the full difference between (a) the pay and admissible allowances at the minimum of the regular pay-level for the post from time to time, and (b) the amounts actually paid, for the period from 24.04.2002 until the date of regularization /retirement/death, as the case may be. Amounts already paid under previous interim directions shall be so adjusted. The net arrears shall be released within three months and if in default, the unpaid*

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amount shall carry compound interest at 6% per annum from the date of default until payment.

iii. ***Retired appellants****: Any appellant who has already retired shall be granted regularization with effect from 24.04.2002 until the date of superannuation for pay fixation, arrears under clause (ii), and recalculation of pension, gratuity and other terminal dues. The revised pension and terminal dues shall be paid within three months of this Judgement.*

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iv. ***Deceased appellants****: In the case of Appellant No. 5 and any other appellant who has died during pendency, his/her legal representatives on record shall be paid the arrears under clause (ii) up to the date of death, together with all terminal/retiral dues recalculated consistently with clause (i), within three months of this Judgement.*

v. ***Compliance affidavit****: The Principal Secretary, Higher Education Department, Government of Uttar Pradesh, or the Secretary of the U.P. Education Services Selection Commission or the prevalent competent authority, shall file an affidavit of compliance before this Court within four months of this Judgement.*

20. We have framed these directions comprehensively because, case after case, orders of this Court in such matters have been met with fresh technicalities, rolling "reconsiderations," and administrative drift which further prolongs the insecurity for those who have already laboured for years on daily wages. Therefore, we have learned that Justice in such cases cannot rest on simpliciter directions, but it demands imposition of clear duties, fixed timelines, and verifiable compliance. As a constitutional employer, the State is held to a higher standard and therefore it must organise its perennial workers on a sanctioned footing, create a budget for lawful engagement, and implement judicial directions in letter and spirit. Delay to follow these obligations is not mere negligence but rather it is a conscious method of denial that erodes livelihoods and dignity for these workers. The operative scheme we have set here

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comprising of creation of supernumerary posts, full regularization, subsequent financial benefits, and a sworn affidavit of compliance, is therefore a pathway designed to convert rights into outcomes and to reaffirm that fairness in engagement and transparency in administration are not matters of grace, but obligations under Articles 14, 16 and 21 of the Constitution of India."

12. The Hon'ble Apex Court in the case of and ***Jaggo vs. Union of India & Ors. (Civil Appeal No. ….. of 2024)*** arising out of SLP(C) No.5580/2024 decided on 20.12.2024 held as under:-

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.

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13. The observations of the Hon'ble Supreme Court in the case of Jaggo (supra) and Dharam Singh (supra) clearly speaks that a person who has worked for a long without there being any adversity in the service record deserves for regularization and regular pay scale. If an employee has worked for long, certainly his services are entitled for regularization, as the work which was being taken from the petitioner was of a perennial nature and not of temporary nature.

14. Taking into consideration the facts of this case, so also the order dated 15.01.1988 of the respondents themselves regarding regularization of the employees who have worked for continuous two years with them, and further the benefit of regularization of services have been extended by the Labor Court to one similarly situated employee Raghuveer Singh by passing an award and thereafter the respondents have implemented the award in opinion of this Court, the petitioner also deserves the same benefits i.e. the regularization of his services with effect from the date the similarly situated persons have been extended the benefit of regularization of their services. In the case of Raghuveer Singh, the respondents have regularized his services with effect from 20.04.2004, and therefore the petitioner also deserves to be regularized in his service with effect from 20.04.2004 with all consequential benefits.

15. Accordingly, writ the petition is allowed. The respondents are directed to pass necessary orders in regard to regularization of the services of the petitioner with effect from 20.04.2004. The petitioner shall be entitled to all consequential benefits including the difference of pay and allowances in actual uptill he attains the

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age of superannuation. The petitioner shall also be entitled for the retiral benefits in accordance with law, treating the petitioner to be regularized in service with effect from 20.04.2004.

16. The arrears of the salary, allowances, etc. and the retiral benefits be paid to the petitioner within a period of 90 days from the date of submitting the certified copy of this order.

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(GANESH RAM MEENA),J

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