



2026:DHC:1937-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment reserved on: 09.02.2026

Judgment pronounced on: 10.03.2026

Judgment uploaded on: 10.03.2026

+ W.P.(C) 12997/2021

NARESH YADAV

.....Petitioner

Through: Ms. S. Janani, Sr. Adv. with
Mr. Nishant Kumar, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Vinay Yadav, CGSC with
Ms. Kamna Behrani, Mr. Ansh
Kalra and Mr. Neeraj Paulose
Raj, Adv. for R-1/UOI

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

ANIL KSHETARPAL, J.:

1. The present Petition, preferred by the Petitioner, assails the correctness of the order dated 21.01.2020 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal [hereinafter referred to as 'CAT'], whereby O.A. No.3732/2014 filed by the Petitioner was dismissed.

2. The issue which arises for consideration in the present Writ Petition is whether a person who was engaged on daily wage basis and whose services were subsequently regularized, is entitled to claim regularization with retrospective effect from the date of his initial



engagement, in the absence of any statutory provision, rule or policy conferring such benefit.

FACTUAL MATRIX

3. In order to comprehend the controversy involved in the present case, the relevant facts, in brief, are required to be noticed.

4. The Petitioner was engaged on daily wage basis on 11.08.1989 with the Respondents. It is not in dispute that such engagement was not pursuant to a regular recruitment process under the applicable recruitment rules governing the post in question. The Petitioner filed O.A. No. 1087/2011 before the CAT seeking a direction to the Respondents to regularize his services. The said O.A. was disposed of on 22.02.2012 with a direction to the Respondents to consider the Petitioner's case for regularization in terms of the applicable selection process. Aggrieved by the said order, the Respondents filed W.P.(C) No. 6056/2011 before this Court challenging the correctness of the order passed by the CAT on 22.02.2012. During the pendency of the said writ petition, the Respondents, vide order dated 15.04.2013, regularized the services of the Petitioner as Lower Division Clerk ['LDC']. The regularization was made effective from the date of issuance of the order. Subsequently, the said writ petition was disposed of, while granting liberty to the Petitioner to file a fresh O.A. in case he had any surviving grievance with respect to the date from which the regularization had been granted.

5. The Petitioner thereafter filed O.A. No. 3732/2014 before the CAT seeking regularization with effect from 11.08.1989, i.e., the date



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of his initial engagement. The Tribunal, by the Impugned Order, dismissed the said O.A. It is also not in dispute that the Petitioner has since retired upon attaining the age of superannuation in the year 2024.

CONTENTIONS OF THE PARTIES

6. Learned senior counsel appearing for the Petitioner submits that the Petitioner had been working continuously since 11.08.1989 and that the Respondents unjustifiably delayed regularizing his services. It is contended that the Petitioner is entitled to regularization from the date of his initial appointment. In the alternative, it is argued that the Petitioner's pay ought to be re-fixed by granting increments notionally from 11.08.1989.

6.1. Learned senior counsel places reliance upon the judgments of the Supreme Court in *Jaggo v. Union of India & Ors.*¹ and *Dharam Singh & Ors. v. State of U.P. & Anr.*² to contend that long and uninterrupted service ought not to be ignored while granting the benefit of regularization.

7. *Per contra*, learned counsel appearing for the Respondent No.1 submits that the Petitioner was engaged purely on daily wage basis and that regularization granted vide order dated 15.04.2013 cannot be treated as retrospective in the absence of any rule or policy to that effect. It is further contended that retrospective regularization would disturb the settled seniority of regularly appointed employees.

¹ (2024) 12 SCR 1235

² (2025) 8 SCR 1026



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ANALYSIS & FINDINGS

8. This Court has considered the submission advanced by the learned counsel for the parties and perused the material on record.

9. It is not disputed that the Petitioner was engaged on daily wage basis in the year 1989. His services were regularized on 15.04.2013. The attention of the Court has not been drawn to any statutory rule, executive instruction, policy decision or scheme entitling the Petitioner to claim regularization with effect from the date of his initial engagement i.e. 11.08.1989.

10. The claim of the Petitioner essentially rests on the length of service rendered by him. However, length of service by itself does not create a vested right to seek retrospective regularization, particularly when the initial engagement was not pursuant to a regular recruitment process in accordance with the applicable rules. Regularization is not a mode of recruitment and cannot be claimed as a matter of right.

11. Though learned senior counsel for the Petitioner has relied upon certain instances where retrospective regularization was granted to other employees, the CAT has rightly distinguished those cases on the ground that such employees were engaged on compassionate basis. Engagement on compassionate basis stands on a different footing, as such appointments are made against substantive vacancies and subject to fulfilment of eligibility criteria prescribed under the relevant scheme. A daily wage engagement, on the other hand, does not confer any substantive right in the cadre.



12. The reliance placed upon the judgments of the Supreme Court in *Jaggo* (supra) and *Dharam Singh* (supra) is misplaced. In those cases, the Supreme Court examined situations where the State had arbitrarily refused or denied benefits of regularization despite long and continuous service rendered by the employees. However, neither of those judgments lays down a principle that regularization, once granted, must necessarily relate back to the date of initial engagement irrespective of the nature of appointment.

13. In the present case, it is not demonstrated that the Petitioner was appointed in 1989 after undergoing a regular selection process in accordance with the recruitment rules. On the contrary, it is evident that the Petitioner was subjected to a selection process only prior to issuance of the regularization order dated 15.04.2013. Granting retrospective regularization in such circumstances would amount to treating the Petitioner as regularly appointed even for a period during which he had not undergone the prescribed selection process.

14. Additionally, the Supreme Court in *Registrar General of India and Another v. Thippa Setty and Others*³ has held that regularization of *ad hoc* or temporary services from a back date may disturb the seniority of regularly appointed employees in the cadre and should not ordinarily be resorted to. The principle underlying the said decision is that retrospective conferment of substantive status cannot be permitted in a manner that unsettles the cadre structure. If the prayer of the Petitioner were to be accepted, it would result in placing him in the seniority list with effect from 1989, thereby potentially affecting the

³ (1998) 8 SCC 690



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rights of employees who were appointed through regular recruitment in accordance with rules.

15. In view of the aforesaid discussion, this Court is of the considered opinion that the Petitioner has failed to demonstrate any enforceable legal right to seek regularization from 11.08.1989. The regularization granted on 15.04.2013 cannot be given retrospective effect in the absence of any enabling provision. Consequently, the alternative prayer seeking notional fixation of pay from 11.08.1989 also does not merit acceptance.

16. This Court, therefore, finds no infirmity, illegality or perversity in the Impugned Order passed by the CAT warranting interference under Article 226 of the Constitution of India.

17. The present Petition is accordingly dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

MARCH 10, 2026

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