



2025:DHC:10278-DB



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

Date of decision: 19.11.2025

+ W.P.(C) 8197/2023 & CM APPL. 5791/2024
PRADEEP KUMAR & ORS.Petitioners
Through: Mr.Yashvir Kumar, Adv.
versus
UNION OF INDIA, THROUGH DIRECTOR GENERAL-
WORKS C.P.W.D. & ORS.Respondents
Through: Ms.Archana Sharma, SPC

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 19.04.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in C.P. No. 460/2019 in O.A. No. 3061/2013, titled ***Pradeep Kumar & Ors. v. Shri Prabhakar Singh & Ors.***, whereby the said Contempt Petition filed by the petitioners herein was closed.

FACTS IN BRIEF

2. To appreciate the grievance of the petitioners, the facts in brief are required to be mentioned.

3. The petitioners claim that they were engaged by the Central Public Works Department (hereinafter referred to as, 'CPWD') on various dates between 1992 and 1993 for performing Electrical jobs for maintaining the offices of the respondents and that they continued



to perform such duties up to the passing of the Impugned Order by the learned Tribunal and, even thereafter, till the filing of the present Writ Petition.

4. It is their case that they were discharging duties of a perennial nature and not of an intermittent or casual nature.

5. Despite having regularly worked with the respondents, their status of casual worker was not changed to a temporary status, and they were not considered for regularisation. Accordingly, they filed O.A. No.256/1998 before the learned Tribunal seeking regularisation of their services.

6. The said O.A. was disposed of by the learned Tribunal *vide* its Order dated 28.07.1998, observing and directing as under:

“3. I have heard the counsel for the parties. The question to be decided is whether the applicants are contractors who had been engaged by the respondents for job specific work which has since been completed or whether they were engaged essentially as casual workers on works which are of perennial nature. The learned counsel for the applicant seeks supports from the judgement of the Hon’ble Supreme Court in Union of India & Ors. Vs. Subir Mukharji and Ors. (JT 1998(3) S.C. 540). In that case the applicants therein filed an OA No. 1045/95 before the Calcutta Bench of this Tribunal claiming that they had been working as labourers since 1988 continuously and uninterruptedly in the Railway Printing Press at Calcutta having been engaged through a Contractor. On this basis they claimed that they acquired temporary status and were entitled to be absorbed in Group 'D' posts. The Railways, on the other hand, denied this claim on the ground that the applicants were employees of



a Society and therefore the Railways were not liable either to absorb or to regularise them. The Tribunal in its order dated 14.3.1997 upheld the claim of the applicants and issued a direction to absorb such of the applicants who may be required to do the quantum of work which may be available on a perennial basis. The respondents Railways thereafter went in Special Leave Petition, before the Supreme Court and the Hon'ble Supreme Court distinguished its earlier decision in Civil Appeal No. 1350 of 1986 Biswanath Saha and others Vs. Union of India and observed as follows:

"There is a distinguishing feature in the case before us. In the present case admittedly the respondents who were labourers of M/s. Bandel Handing Porters Cooperative Society Ltd., were given the work under agreement No. S/489/B1/CONTRACT/HANDLING/NH/94 dated 22.11.1994. Therefore, there was already a society of which the respondents happened to be members and being the members and M/s Bandel Handing Porters Cooperative Society Ltd., the contractor supplied them for doing the work of Eastern Railway. As indicated earlier there is no denial on the part of the appellant Nos. 1 to 5 that the work which respondents have been doing is of perennial nature. Even otherwise the directions issued by the CAT in its order dated 13.3.1997 have given enough discretion to the Eastern Railways to absorb them as regular Group D employees bearing in mind the quantum of work available on perennial basis and subject to their fitness. In our opinion the directions contained in order dated 13.3.1997, passed by the CAT are quite fair in the facts and circumstances of the case and it is for this reason we



are not inclined to interfere with the impugned order in exercise of our jurisdiction under Article 136 of the Constitution."

4. I find that the applicants before me are in a more or less similar position. The respondents themselves had admitted that they had engaged the applicants as contractors for 4-5 years. They have not come through a Society but have been engaged as a contractor individually for doing a specific job. That specific job has entailed continuous engagement for 4-5 years. There is no claim on the part of the respondents that they had undertaken that the applicants will be paid such and such amount on completion of the specific contract; on the contrary it would appear that the payments have been made to the applicants on a daily rate basis. Therefore whatever may have been the nomenclature, the status of the applicants is that of casual labourer on daily rate basis. In that capacity they are entitled to be considered for re-engagement for grant of temporary status and regularisation in accordance with the DOP&T Scheme applicable to the CPWD.

5. In the light of the above discussion, I dispose of the OA with the direction that the respondents will reconsider the applicants for re-engagement, if work is available giving them preference on the basis of the service already rendered by them over their juniors and outsiders. After such re-engagement they will reconsider the case of the applicant for grant of temporary status and regularisation in accordance with the Scheme applicable to the casual workers in the CPWD."

7. The Writ Petition filed against the said order, that is, W.P.(C) 294/1999 came to be dismissed by this Court *vide* its Order dated 09.07.2004. The petitioners seeking compliance with the Order dated



28.07.1998, preferred C.P. No. 494/2004 in O.A. No. 256/1998. The respondents, in compliance with the above order of the learned Tribunal, issued an Order dated 21.06.2005, stating that the services of the petitioners would be considered for regularisation as and when their turn matures and requisite vacancy occurs.

8. The learned Tribunal, by its Order dated 17.08.2005, closed the above said Contempt Petition observing as under:

“8. In view of the engagement of the applicants as casual workers and inclusion of their names in the seniority list of daily rated workers and also the assurance that they shall be continued as such and accord temporary status and regularization in accordance with their respective seniority and the Scheme applicable to the casual workers in the CPWD, the present CP is dropped and notices to the respondents are discharged.”

9. In spite of the said order, as the petitioners were not regularised in service, they filed another O.A., being O.A. No.3753/2011, praying for the following reliefs:

- “(a) call for the records of the case;*
- (b) pass an order declaring the action of the respondents in not including the names of the applicants in the list circulated with communication dated 11.03.2011 is bad in law;*
- (c) pass an order directing respondents to consider the applicants for regularization as a onetime measure as per their seniority in the seniority list dated 13.07.2006 and assurance given to this Hon’ble Court in C.P.No.494/2004, like the persons whose names have been included in the list circulated with communication dated 11.03.2011;*
- (d) pass such other order(s) which this Hon’ble Tribunal deems fit and proper in the*



facts and circumstances of the case.”

10. The said O.A. was disposed of by the learned Tribunal *vide* its Order dated 19.10.2011, directing as under:

“4. Accordingly, the present OA is disposed of at the admission stage with a direction to respondent No.3 – Superintending Engineer (Coordination), CPWD, New Delhi to decide the claim of the applicants in the light of communication dated 11.3.2011 (Annexure-A) within a period of three months from the date of receipt of a copy of this order by passing speaking and reasoned order. In case the applicants are still aggrieved by the order to be passed by respondent No.3, it will be open for them to file substantive OA for the same cause of action.”

11. In purported compliance with the said Order, the respondents passed an Order dated 18.01.2012, denying regularisation to the petitioners by claiming that there was no employer-employee relationship between the petitioners and the respondents. This Order was challenged by the petitioners by O.A. No.3061/2013, and the same was disposed of by the learned Tribunal *vide* its Order dated 19.03.2019, observing as under:

“9. Shri S.M. Garg, the learned counsel appearing for the applicants while drawing our attention to the various orders passed in respect of the applicants and which were extensively narrated as above, submits that this Tribunal has already given a finding that the status of the applicants is that of “casual labourer on daily rate basis” and now the respondents cannot deny their claim for regularisation, on the very same ground which was already contested by them and lost and the said orders have already attained finality. Though Shri Amit Yadav, the learned counsel



for the respondents tried to persuade us that no such finding was given by this Tribunal or by the Hon'ble High Court in the earlier litigation between the applicants and the respondents, but we are not impressed with the same in view of the specific findings given by this Tribunal in the earlier litigation between the parties. Hence, we fully agree with the submission of the applicants that the action of the respondents in rejecting their claim on the ground that they were not casual employees and that there was no employer and employee relationship between them is unsustainable and untenable.

*10. However, it is seen that the respondents while passing the impugned order have not considered the claims of the applicants in terms of the judgment of the Hon'ble Apex Court in **Uma Devi** (supra), as they have rejected the claim of the applicants on the sole ground of no relationship of employer-employee between them.*

*11. In the circumstances and for the reasons mentioned above, the OA is allowed. The impugned order Annexure-A dated 18.01.2012 is set aside and the respondents are directed to reconsider the cases of the applicants along with other Casual/Muster Roll/Hand Receipt employees, in terms of the judgment of the Hon'ble Apex Court in **Uma Devi** (supra) and also in terms of Annexure P-9 letter dated 11.03.2011 and to pass fresh speaking and reasoned orders within 90 days from the date of receipt of a copy of this order. No costs."*

12. In spite of the above order, the respondents did not regularise the services of the petitioners and instead passed an Impugned Order dated 13.03.2020, again denying them regularisation by reiterating that there was no employer-employee relationship between the



petitioners and the respondents.

13. Claiming the same to be contemptuous, the petitioners filed Contempt Petition being C.P. No. 460/2019 in O.A. No. 3061/2013. The learned Tribunal, in disregard of the previous orders passed, to which reference has been given hereinabove, dismissed the Contempt Petition by observing that once the claim of the petitioners has been decided by the respondents, the Order dated 19.03.2019 stood complied with and no further relief could be granted in the Contempt Petition. Aggrieved whereof, the present petition has been filed.

SUBMISSION OF THE LEARNED COUNSEL FOR THE PETITIONERS

14. The learned counsel for the petitioners submits that the learned Tribunal failed to appreciate that mere reiteration by the respondents that there was no employer-employee relationship between the petitioners, the respondents cannot be considered to be compliance of the Order dated 19.03.2019 of the learned Tribunal, especially when the said plea already stood rejected by the learned Tribunal. He submits that the petitioners, having worked for more than three decades, were entitled to regularisation of their services.

SUBMISSION OF THE LEARNED COUNSEL FOR THE RESPONDENTS

15. On the other hand, the learned counsel for the respondents submits that the petitioners' case was considered in accordance with the scheme applicable to the casual workers in the CPWD, however, it was found that they do not fall within its ambit, inasmuch as they had



been working on a work-order basis. She further submits that the learned Tribunal had disposed of the earlier O.A. by merely directing the respondents to consider the petitioners for re-engagement, if work is available, by giving them preference on the basis of their service over their juniors or outsiders, and the same cannot be construed to mean that the petitioners' services have to be regularised.

ANALYSIS & FINDINGS

16. We have considered the submissions made by the learned counsels for the parties.

17. From the history of various litigations which the petitioners have initiated against the respondents, starting from O.A. No.256/1998 and the Order dated 28.07.1998, it would be evident that the learned Tribunal has been reiterating that the petitioners, having worked for a long period of time, deserve a change of their status to temporary status and, thereafter, to regularisation.

18. We are informed that only the petitioner no. 4 was granted temporary status on 15.11.2019, however, his services were not regularised and, he attained the age of superannuation.

19. The plea taken by the respondents in the Order dated 13.03.2020 to deny regularisation of the petitioners was that they were not engaged on Muster Roll/Hand receipt, that is, they are not paid directly or on the direct rolls of CPWD, hence, there was no employer-employee relationship between the petitioners and the respondents. The said plea, however, has been expressly rejected by the learned Tribunal in its Order dated 19.03.2019 passed in O.A. No.



3061/2013. We have already quoted hereinabove the findings of the learned Tribunal. The said order attained finality and was not challenged by the respondents. Therefore, the respondents could not have used the same ground to again reject the claim of the petitioners for regularisation in its Impugned Order dated 13.03.2020. The same was clearly in breach of the finding of the learned Tribunal and, therefore, amounted to contempt. In our view, therefore, the learned Tribunal erred in closing the contempt by the Impugned Order.

20. Be that as it may, the law with respect to the right of the casual workers to claim regularisation in service on account of long period of their engagement, has now been well settled by the Supreme Court in its Judgment in **Jaggo v. Union of India & Ors.**, 2024 SCC OnLine SC 3826, wherein it was held as under:

“10. Having given careful consideration to the submissions advanced and the material on record, 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.

11. The appellants, throughout their tenure, were engaged in performing essential duties that were indispensable to the day-to-day functioning of the offices of the Central Water Commission (CWC). Applicant Nos. 1, 2, and 3, as Safaiwalis, were responsible for maintaining hygiene, cleanliness, and a conducive working environment within the



office premises. Their duties involved sweeping, dusting, and cleaning of floors, workstations, and common areas—a set of responsibilities that directly contributed to the basic operational functionality of the CWC. Applicant No. 5, in the role of a Khallasi (with additional functions akin to those of a Mali), was entrusted with critical maintenance tasks, including gardening, upkeep of outdoor premises, and ensuring orderly surroundings.

12. Despite being labelled as “part-time workers,” the appellants performed these essential tasks on a daily and continuous basis over extensive periods, ranging from over a decade to nearly two decades. Their engagement was not sporadic or temporary in nature; instead, it was recurrent, regular, and akin to the responsibilities typically associated with sanctioned posts. Moreover, the respondents did not engage any other personnel for these tasks during the appellants' tenure, underscoring the indispensable nature of their work.

13. The claim by the respondents that these were not regular posts lacks merit, as the nature of the work performed by the appellants was perennial and fundamental to the functioning of the offices. The recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled. It is also noteworthy that subsequent outsourcing of these same tasks to private agencies after the appellants' termination demonstrates the inherent need for these services. This act of outsourcing, which effectively replaced one set of workers with another, further underscores that the work in question was neither temporary nor occasional.

14. The abrupt termination of the appellants' services, following dismissal of their Original Application before the Tribunal, was arbitrary and devoid of any justification. The termination letters, issued without prior notice



or explanation, violated fundamental principles of natural justice. It is a settled principle of law that even contractual employees are entitled to a fair hearing before any adverse action is taken against them, particularly when their service records are unblemished. In this case, the appellants were given no opportunity to be heard, nor were they provided any reasons for their dismissal, which followed nearly two decades of dedicated service.

15. Furthermore, the respondents' conduct in issuing tenders for outsourcing the same tasks during the pendency of judicial proceedings, despite a stay order from the Tribunal directing maintenance of status quo, reveals lack of bona fide intentions. Such actions not only contravened judicial directives but also underscored the respondents' unwillingness to acknowledge the appellants' rightful claims to regularization.

16. The appellants' consistent performance over their long tenures further solidifies their claim for regularization. At no point during their engagement did the respondents raise any issues regarding their competence or performance. On the contrary, their services were extended repeatedly over the years, and their remuneration, though minimal, was incrementally increased which was an implicit acknowledgment of their satisfactory performance. The respondents' belated plea of alleged unsatisfactory service appears to be an afterthought and lacks credibility.

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21. The High Court placed undue emphasis on the initial label of the appellants' engagements and the outsourcing decision taken after their dismissal. Courts must look beyond the surface labels and consider the realities of employment : continuous, long-term service, indispensable duties, and absence of any mala fide or illegalities in their appointments. In that light, refusing regularization simply



because their original terms did not explicitly state so, or because an outsourcing policy was belatedly introduced, would be contrary to principles of fairness and equity.

22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

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25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:

*• **Misuse of “Temporary” Labels:** Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labeled as “temporary” or “contractual,” even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular*



employees are entitled to, despite performing identical tasks.

- **Arbitrary Termination:** Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

- **Lack of Career Progression:** Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

- **Using Outsourcing as a Shield:** Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

- **Denial of Basic Rights and Benefits:** Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.

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."

21. The above exposition of law was reiterated by this Court in



Namita Khare & Anr. v University of Delhi & Ors. 2025 SCC
OnLine Del 4891, wherein it held as under:

“40. The defence of Umadevi, as raised by the respondents, therefore stands refuted by the settled legal position. As this Court held in Deen Bandhu Garg, continued reliance on Umadevi to justify the perpetuation of ad-hoc appointment arrangements undermines the constitutional mandate of equal treatment and non-arbitrariness. The petitioners' claim is not one of automatic absorption but of fair and non-arbitrary consideration for regularisation, backed by years of sustained contribution, institutional reliance, and constitutional equity. To deny such consideration would perpetuate the very mischief censured by the Hon'ble Supreme Court in Jaggo and Shripal, and would result in manifest injustice.

41. In view of the above, the legal principles laid down in Jaggo, reaffirmed in Shripal, and adopted by this Court in Deen Bandhu Garg, are squarely attracted to the present case. The petitioners' continued exclusion from the zone of regularisation, despite fulfilling all eligibility conditions and having rendered long and meritorious service, is violative of Articles 14 and 16 and cannot be sustained.”

22. In light of the above, we have the option to either restore the Contempt Petition to its original number or to direct the respondents to reconsider the case of the petitioners for regularisation of service as per the law settled by the Supreme Court. Given the long passage of time for which the petitioners have been litigating and despite the various orders passed by the learned Tribunal, they still have not been successful in their eventual relief, we adopt the second option.

23. Accordingly, we direct the respondents to reconsider the case of



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the petitioners for regularisation in light of the law settled by the Supreme Court and referred by us hereinabove. Speaking orders on the same shall be passed by the respondents within a period of eight weeks from today.

24. We expect the respondents to not compel the petitioners in another round of litigation and to comply with the above direction in the right spirit.

25. We only clarify and reiterate that in passing such an order, the respondents shall take into account the long period of service rendered by the petitioners, and shall not be influenced by the fact that there was no employer-employee relationship at the initial stage of their engagement or that the petitioners have not been assigned any work after the filing of the present petition.

26. In case the petitioners are still aggrieved by the orders passed by the respondents, they shall be at liberty to file appropriate application before us.

27. The petition, along with the pending application, is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 19, 2025/ns/Yg