



2026:AHC:66918-DB

Reserved on 25.03.2026

Delivered on 31.03.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 324 of 2026

Prem Sagar

.....Appellant(s)

Versus

State Of Uttar Pradesh And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Siddharth Khare, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C.

Court No. - 3

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

(Per Swarupama Chaturvedi, J.)

1. Heard Shri Ashok Khare, learned Senior Counsel assisted by Mohd. Yaseen, learned counsel for the appellant and Shri Rajeev Gupta, learned Additional Chief Standing Counsel for the State.
2. The present Special Appeal is filed against the impugned judgment and order dated 10.02.2026 passed by the learned single judge in Writ A No. 18316 of 2025 (Prem Sagar v. State of U.P. and 2 others), whereby the writ petition preferred by the appellant came to be dismissed. The appellant, feeling aggrieved by the findings and conclusions recorded in the impugned order, has approached this Court in this intra-court appeal.
3. The genesis of the present appeal lies in the service history of the appellant, who was initially appointed as a mechanic in *Kshetriya Gram Vikas Sansthan*, Asafpur, Badaun. Appointment of the appellant was purely temporary in nature for the period of three months, but by order dated 02.02.1993, the engagement of the appellant was extended on an *ad hoc* basis up to 31.03.1993. Thereafter, another extension was granted to the appellant, which continued up to 21.04.1993. Tenure of the appellant ended automatically due to the absence of any further extension, compelling him to file Writ Petition No. 27234 of 1993 before this Court to challenge the termination of his services. On 11.08.1993, an interim order was passed in the above-mentioned writ petition, enabling the

appellant herein to continue as a mechanic while giving liberty to the respondents to conduct the regular selection, including the selection against the same post in accordance with law. In pursuance of the interim order dated 11.08.1993, the appellant rejoined his duties on 16.08.1993 and continued to discharge his functions. Further, he also got benefited by the periodic salary enhancement, benefits under the Pay Commissions, the grant of Assured Career Progression (ACP), and the opening of a General Provident Fund (GPF) account.

4. It is a matter of fact that the writ petition No. 27234 of 1993 under which interim protection was granted to the appellant, got dismissed by this court *vide* its order dated 02.04.2012. While dismissing the writ petition, this court held that the appellant's initial engagement was in the nature of a stopgap arrangement, which was made without following any process of open selection or by inviting applications from the public at large, and thus the same was violative of Article 14 of the Constitution of India. The Court further observed that the appellant has no right to claim continuance in service after 21.04.1993 on the basis of such stopgap arrangement, and due to that reason, the petition was dismissed.

5. It is an undisputed fact that even after the dismissal of the writ petition, the appellant continued to provide his services without any interruption. Thereafter, on 01.08.2023, the appellant moved a representation seeking regularisation of his services under the provisions of the Uttar Pradesh Regularisation of Ad Hoc Appointments (on Posts outside the Purview of the Public Service Commission) Rules, 1979, as amended in 2021, (hereinafter referred to as the "Regularisation Rules, 1979"). In the representation addressed to the Principal, *Kshetriya Gram Vikas Sansthan*, Asafpur, Badaun, he had mentioned that he has already submitted a letter requesting regularisation on 23.03.2022, and with reference to that, he repeated his request while stating that from 16.08.1993, he had continuously been working as a 'mechanic' on a grade salary of 975-25-1150-3-1660. He also stated that he was getting benefits of increment, 6th Pay Commission, and General Provident Fund (GPF) deductions, and since his only three years of service is left, he prayed that non-regularisation would affect his post-retiral benefits, therefore, he should be regularised. He also stated that as per the Government Order 11/2021/13/30/2021 Ka-1-2021 dated 16.12.2021, which provides that the

staff who has completed three years of continuous service are eligible to be regularised on vacant post. He further submitted that since he had completed 30 years of continuous service, he should be considered to get regularised under Regularisation Rules, 1979.

6. In furtherance of his representation, the Principal forwarded his recommendation letter dated 14.10.2023 through Director General, *Deen Dayal Upadhyay Rajya Gram Vikas Sansthan*, Bakshi Talab, Lucknow. In his recommendation letter, he stated that the appellant has satisfactorily completed 30 years of continuous service. In the letter, it was also stated that he was getting regular salary, increment and General Provident Fund (GPF) benefits, etc., however, he has also mentioned that after 21.04.1993, the office does not have any letter for extension of his service, and he has been continuing his services in accordance with the order of this court dated 11.08.1993 in Writ Petition No. 3541 of 1993. The letter clarified that, as per official records, the appellant was granted salary increment and all other benefits after completion of requisite years of service from time to time. After detailing the aforesaid facts, the letter unequivocally stated that the appellant's application for regularisation was justified and deserved to be considered favourably, and accordingly, the Principal had sought approval for the regularization of the appellant.

7. Since no decision was taken on the recommendation submitted by the appellant, and having no other efficacious remedy, the appellant was constrained to approach this Court by filing Writ A No. 19783 of 2024, seeking a direction to the respondents to decide his representation dated 01.08.2023 within a stipulated time. This Court, *vide* its order dated 14.02.2025, disposed of the aforesaid writ petition with a direction to the competent authority to consider and decide the appellant's representation, in accordance with law, within a maximum period of eight weeks from the date of production of a certified copy of the order. It was, however, observed that there was no adjudication on merits by this Court, and that the respondents were at liberty to pass an appropriate order in light of the applicable rules and the facts of the case.

8. In pursuance of the above-mentioned order, the Principal, *Kshetriya Gram Vikas Sansthan*, Asafpur, Badaun, passed the order dated 04.11.2025 while discontinuing the services of the appellant with immediate effect. Aggrieved by the discontinuance order, the appellant

again approached this Court in Writ A No. 18316 of 2025, in which the impugned order dated 10.02.2026 was passed by the learned single judge who had dismissed the petition while observing that this Court could not supersede the order dated 02.04.2012 earlier passed by this Court in last round of litigation instituted by the appellant herein. The learned single judge further observed that the appellant deliberately concealed the order dated 02.04.2012 while seeking regularisation and obtained the innocuous order dated 14.02.2025, which has directed the consideration of his representation claiming regularisation without disclosing the earlier order.

9. Learned counsel appearing for the appellant had submitted that the impugned action of the respondents after taking services of the appellant for more than 33 years is totally unfair and legally incorrect, and the same cannot be justified in the eyes of the law, and therefore, the impugned order of the learned single judge deserves to be quashed. He further contended that such action taken at the fag end of the career of the appellant while engaging him for more than 33 years was unreasonable and discontinuance of his long continuous service where he regularly got paid from the State Exchequer was arbitrary in the facts of the case.

10. He further submitted that this Court, *vide* its order dated 02.04.2012, held that the initial appointment of the appellant was illegal, but the respondents themselves permitted him to continue in service for more than 13 years thereafter without any interruption. Since learned counsel for the respondents was also present at the time of hearing when the dismissal order was passed in the above-mentioned writ petition and even after that respondents continued to take services of the appellant, while giving him all benefits including salary enhancement and General Provident Fund (GPF), etc., the action of respondents raises legitimate expectation that the appellant would not be abruptly removed and would get regularised at one stage of his life, thereby the appellant would be entitled to post-retirement benefits after giving his complete life to the same service.

11. Learned counsel appearing for the appellant urged that the interim order dated 11.08.1993, which provided for the services of the appellant to be continued and due to which he joined back at that stage, was very clear that the respondents can proceed with the regular appointment against the post on which the appellant was continued to provide services,

and it is a matter of fact that the respondents, having full knowledge of the liberty in the interim order, had opted not to make a regular appointment on that post and permitted the appellant to provide service continuously on that post. At no stage was there any step taken by the respondents to make any appointment on that post from 1993 till 2012 or even after that. Whereas the services of the appellant were continued to be taken after making him rightful payment and all other benefits for which he was entitled. After providing services and receiving legitimate dues throughout his life, the appellant had a legitimate expectation of regularisation rather than being abandoned by the respondents at the edge of his superannuation age, which seemed intended only to deny him old age protection in terms of retiral benefits.

12. Learned counsel submitted that after such a long and uninterrupted service, the appellant is due to attain the age of superannuation in June 2026 and his removal, at this stage, would be excessively harsh, and against all the principles of service law jurisprudence. He contended that the appellant was entitled for the old age protection and got eligible for the post retiral benefits, long ago in accordance with Regularisation Rules 1979. He also submitted that the order dated 02.04.2012 also considered the initial appointment of the appellant as illegal but that cannot be interpreted as the appellant can never get regularised if he was eligible under any regularisation scheme or rules framed by the Government in all days to come. Learned counsel argued that the learned single judge has wrongly interpreted the order dated 02.04.2012 to conclude that the order excludes the appellant even from eligibility for consideration in any policy or Rules in future.

13. Learned counsel contended that the recommendation letter submitted by the Principal clearly indicated that, under the Regularisation Rules, 1979, only three years of uninterrupted continuous service was required in respect of persons appointed prior to the cut-off date as amended by 2021 amendment to 31.12.2001. It was urged that, since the appellant's service was continuously availed by the respondents for more than three decades, he clearly fulfilled the eligibility criteria under the said Rules. It was further submitted that the order dated 02.04.2012 cannot be treated as a conclusive determination of the appellant's eligibility under the Regularisation Rules, 1979 for all times to come, particularly when the

appellant satisfies the eligibility conditions under the amended Rules. Learned counsel also argued that the facts, circumstances, and grounds for seeking regularisation in the two writ petitions were materially different, especially in view of the amendment introduced in 2021 to the Regularisation Rules, 1979, which has changed the cut-off date, hence, the impugned finding is unsustainable.

14. Learned counsel for the appellant submitted that the non-reference to the order dated 02.04.2012 in the representation, cannot be construed as suppression of material facts, particularly when the said order was not passed *ex parte*, and the same is nearly a decade old order, and also it was rendered on the basis of appellant's initial appointment, and not under the framework of the Regularisation Rules, 1979 as amended in 2021, which operate on an altogether distinct set of criteria for regularization and had a different date for the initial appointment.

15. Learned counsel further contended that the finding of suppression recorded against the appellant is wholly erroneous and reflects non-application of mind, and thus cannot be sustained in law. It was emphasized that there is no material to suggest any deliberate concealment or fraud on the part of the appellant. On the contrary, it is undisputed that the appellant had rendered more than 33 years of continuous and uninterrupted service, far exceeding the minimum requirement under the 1979 Rules. It was also urged that the appellant has maintained an unblemished and satisfactory service record throughout, and denial of regularisation at the verge of retirement, despite his clear eligibility under the applicable Rules, is arbitrary and unjust.

16. Lastly, learned counsel appearing for the appellant has placed reliance upon judgment of the Supreme Court in ***Shripal and Another v. Nagar Nigam, Ghaziabad, 2025 SCC OnLine SC 221, Dharam Singh and Others v. State of U.P. and Another, 2025 SCC OnLine SC 1735, Bhola Nath v. State of Jharkhand and Others, 2026 SCC OnLine SC 129.*** Relying upon the aforesaid judgments, learned counsel for the appellant submitted that the learned single judge has erred both on facts and in law, and therefore, the impugned order is liable to be set aside. It was accordingly prayed that a direction be issued to the respondents to regularise the services of the appellant forthwith, so as to enable him to receive his retiral benefits, particularly in light of his satisfactory,

continuous, and uninterrupted service spanning more than 33 years, during which he had been paid out of the State exchequer.

17. On the other hand, learned Additional Chief Standing Counsel appearing for the State respondents submitted that the appellant is guilty of suppression of material facts, inasmuch as he failed to disclose the dismissal of his earlier writ petition by this Court vide order dated 02.04.2012. It was further contended that the appellant also omitted to bring this fact to the notice of this Court while obtaining the order dated 14.02.2025 in Writ A No. 19783 of 2024, whereby a direction was issued for consideration of his representation. It was additionally urged that the issue pertaining to the appellant's appointment was already conclusively decided by this Court in the year 2012, and his failure to disclose the said order, coupled with his continuation in service, thereafter, renders him disentitled to claim any further relief, including regularisation.

18. In view of the rival submissions, the issues for consideration are whether the appellant's uninterrupted service for over three decades, with the salary, increments, and other benefits, gives rise to a legitimate expectation of regularisation under the Regularisation Rules, 1979, as amended in 2021, and whether the denial of such regularisation at the culmination of his long and satisfactory service is arbitrary and contrary to the established legal principles, which were overlooked by the learned single judge.

19. We have carefully considered the facts and circumstances of the case, the rival submissions of the parties, and the material on record. Being an intra-court appeal, it is necessary to examine the scope of the Court's jurisdiction at this stage. On this aspect, the principles have been elucidated by the Supreme Court in ***Roma Sonkar v. Madhya Pradesh State Public Service Commission*, (2018) 17 SCC 106**, which was followed by coordinate bench of this Court in ***Chandra Prakash Singh v. District Inspector of Schools and Others*, (2022) 155 ALR 116**, wherein this Court observed as follows:

“5. The present special appeal is an intra-court appeal from a Single Bench of this Court to a Division Bench of this Court and the purpose of providing special appeal against an order of learned Single Judge is to provide another tier of screening by the Division Bench and the same would not mean that the learned Single Judge is subordinate to the Division Bench although the learned Single Judge under law of

precedent and principle of finality attached to the orders of Appellate Court, is bound by the order passed by the Appellate Court. While considering the powers of a Division Bench while deciding intra-court appeal, the Hon'ble Apex Court in Roma Sonkar v. Madhya Pradesh State Public Service Commission has held that in the matter of intra-court appeal arising out of writ proceedings, the Division Bench needs to consider the appeal on merits by deciding the correctness of the judgment of the learned Single Judge instead of remitting the matter to the learned Single Judge.”

20. In the light of the above, we proceed to examine the impugned order, keeping in mind the scope of interference in an intra-court appeal. For this purpose, it is relevant to first consider the factual matrix of the case. It is an undisputed fact that the appellant was initially appointed on a temporary basis for a period of three months in 1992, and that his appointment as a ‘mechanic’ was subsequently extended up to 21.04.1993.

21. The appellant’s engagement was not extended beyond 21.04.1993, compelling him to approach this Court against the discontinuance of his service, where the interim order was passed permitting him to continue in service, while granting the respondents liberty to advertise the post and make regular appointments. In compliance with the interim order, the appellant continued to discharge his duties, however, the respondents did not exercise the liberty to fill the post through regular recruitment. Instead, they chose to retain the appellant in *ad-hoc* capacity for an extended period spanning decades, despite having the option to make a permanent appointment against the post. In our considered view, such conduct by the respondents is a relevant factor in assessing the appellant’s entitlement to continuity of service and regularisation under the applicable Rules.

22. It is not in dispute that the appellant was provided with appropriate salary and all other statutory benefits, including contributions to the General Provident Fund (GPF), for the post on which he rendered his services. In addition, he was granted the benefits of the Assured Career Progression (ACP) scheme, as well as the benefits of the 6th Commission. These facts reflect that the appellant’s service was acknowledged and compensated in full by the respondents throughout his tenure.

23. It is also undisputed that even after the final dismissal of the appellant’s earlier writ petition on 02.04.2012, the respondents continued

to avail his services without any interruption for more than decade. The order dated 02.04.2012 was not passed *ex parte*, and the respondents were duly represented at the time of the order. Therefore, it cannot be presumed that the continuous engagement of the appellant following the declaration of illegality in his initial appointment was without conscious consideration by the respondents.

24. It is also a matter of fact that at no stage of the service career or in any order passed by this court, there is any allegation on the appellant that he has procured the job by fraud or any unfair means. On this point, relevant paragraphs of the judgement passed by the Supreme Court in ***Jaggo v. Union of India and Others*** 2024 SCC OnLine SC 3826, is reproduced below:

“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...

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.”

25. It is an established principle of law that where an employee has rendered long, uninterrupted service and has been regularly paid by the State Exchequer, he is justified in claiming regularization in whichever rule he is eligible, even if his original appointment was declared illegal, it does not stop him for claiming when he is eligible under any rule in future. Long-standing engagement by the respondents gives rise to a legitimate expectation on the part of the appellant for the regularisation of his service. In the present case, finding of the learned single judge erred in

treating the order dated 02.04.2012 as a conclusive bar against the appellant's claim for regularization for all times to come. The relevant Rules, namely the Regularisation Rules, 1979, require only three years of continuous uninterrupted service, requisite qualifications, and it applies to persons whose initial *ad-hoc* appointment was made on or before 31.12.2001.

26. It is further relevant to note that while this Court, in 2012, examined the appellant's initial appointment in the year 1992 and declared it illegal, but the appellant's uninterrupted service thereafter is beyond dispute. Such continuity of service entitles him to the benefits envisaged under Rule 4(1) of the Regularisation Rules, 1979. Rule 4(1) is reproduced reproduced hereunder for easy reference:

“4. Regularisation of ad hoc Appointments.-[(1) Any person who- (i) was directly appointed on ad hoc basis on or before December 31, 2001 and is continuing in service as such on the date of commencement of the Uttar Pradesh Regularisation of ad hoc Appointments (On Posts Outside the Purview of the Public Service Commission) (Fourth Amendment) Rules, 2021;

(ii) possessed requisite qualifications prescribed for regular appointments at the time of such ad hoc Appointment; and

(iii) has completed or, as the case may be, after he has completed three years service shall be considered for regular appointment in permanent or temporary vacancy, as may be available, on the basis of his record and suitability before any regular appointment is made in such vacancy in accordance with relevant rules or orders.”

27. Rule 8 of the above mentioned rule, makes it clear that the service of a person appointed on *ad-hoc* basis, who is not found suitable or whose case is not covered by sub-rule (1) of Rule 4 of Regularisation Rules, 1979, shall be determined forthwith and on such termination, he shall be entitled to receive one month pay. The provision shows that the State has made provisions keeping in mind the welfare and protection of employees and to terminate service of only those who are not covered under Rule 4(1) of the Regularisation Rules, 1979 and therefore, writ court shall have

interfered with the termination order, which was impugned in Writ A 19783 of 2024.

28. Rules 9 and 10 of the Regularisation Rules, 1979 make provisions to include all persons who were directly appointed on an *ad-hoc* basis on or before 01.05.1983 and 01.10.1986, and who have continued in service in that capacity. These provisions reflect the intent of the State, as a model employer, to safeguard the interests of employees who have rendered continuous service but have not yet been regularised, particularly to ensure that they do not lose their legitimate benefits towards the fag end of their employment. Thus, the object of these Rules is to cover the maximum number of ad-hoc appointees in continuous service and to facilitate their regularisation, except in cases where the conditions specified under Rule 4(1) of the Regularisation Rules, 1979 are not satisfied. Rule 4(1) prescribes only three conditions for eligibility, first, that the initial appointment must have been made on or before 31.12.2001, second, that the employee must have qualifications, and third, that the employee shall have continuous service for a minimum period of three years. Therefore, the denial of regularisation to the appellant, despite clear and sufficient proof that he fulfils all three conditions prescribed under Rule 4(1) of the Regularisation Rules, 1979, cannot be justified.

29. We are of the considered view that the appellant's claim squarely falls within the conditions prescribed under the Regularisation Rules, 1979, irrespective of the status of his initial appointment in 1992. The contention regarding suppression of facts is unsustainable, particularly since the order dated 02.04.2012 was not passed *ex parte*. Moreover, the interim order in that writ expressly granted the respondents liberty to make regular appointment against the post held by the appellant, however, the respondents chose not to exercise that option and continued to avail appellant's engagement.

30. Further, the finding of the learned single judge that the order dated 02.04.2012, having declared the appellant's initial appointment illegal, precludes any consideration of his claim for regularisation is incorrect as there was no observation or allegation of any fraud by the appellant in getting the appointment. It is clear that the order dated 02.04.2012 was about the appellant's initial appointment in the year 1992 and the present

claim is for regularisation under the Regularisation Rules, 1979, which require only three years of continuous service and an initial appointment before 31.12.2001. The appellant's uninterrupted service over decades clearly satisfies these conditions, and therefore, the said order cannot operate as a bar to his entitlement under the Rules.

31. The State, being a model employer, cannot be permitted to rely on strict technicalities of initial appointment to deny regularisation to an employee who has rendered long and uninterrupted service spanning over three decades, particularly when the Rules do not provide that continuous service rendered in pursuant to a Court's order, disqualifies an employee from claiming the benefits of regularisation.

32. In the facts and circumstances of the case, it appears that upholding the termination of the appellant's service by learned single judge *vide* its order dated 14.02.2025 was absolutely unreasonable and arbitrary, especially if the discontinuation order does not record any justified reason for such decision taken by the respondents after ignoring the legitimate expectation accrued after decades of uninterrupted service provided by the appellant, for which, they have been providing him all benefits and salary. This is more unacceptable and unfair in the light of the fact that this decision was taken by the respondents at the fag end of the appellant's career, after taking 33 years of his continuous services.

33. It is an established principle of law that the State being a model employer is obligated to discharge its functions as per fair administrative rules. A model employer is expected to act with fairness and also bears the responsibilities to treat his employees in a manner, which is reasonable and therefore, the respondents cannot be permitted to take services and exploit the young age of the employees for more than three decades while ignoring his legitimate expectation and discontinue his services without any reasonable and speaking order near his age of superannuation. The Constitutional mandate cast upon the State as a model employer is at much higher level than that of any other employer and therefore, the impugned order before learned single judge deserved more attention in writ jurisdiction than the question of initial appointment in the year 1992.

34. The Supreme Court has consistently recognized that long and uninterrupted service gives rise to a legitimate expectation for the

regularization of service of any employee. The Supreme Court in **Bhola Nath (supra)**, has held as under:

“13. Another facet requiring consideration in the case of contractual employees, such as the present appellants, is the doctrine of legitimate expectation. Where employees have continued to discharge their duties on contractual posts for a considerable length of time, as in the present case, it is but natural that a legitimate expectation arises that the State would, at some stage, recognize their long and continuous service. It is in this belief, bolstered by repeated extensions granted by the Executive, that such employees continue in service and refrain from seeking alternative employment, notwithstanding the contractual nature of their engagement...”

35. In **Bhola Nath (supra)**, the Supreme Court has further held that there is no rational basis for the State’s decision to discontinue the appellant’s service in that case after nearly ten years of continuous service and thereafter observed that the State derived advantage of their expertise while the appellants remained in public service in that case. The Supreme Court further observed that in departure from long standing practice of renewal particularly one that frustrated the legitimate expectation of the employee ought to be supported by the reasons recorded by the speaking order. Supreme Court has further held that:

“13.5. Such a decision must necessarily be a conscious and reasoned one. An employee who has satisfactorily discharged his duties over several years and has been granted repeated extensions cannot, overnight, be treated as surplus or undesirable. We are unable to accept the justification advanced by the respondents as the obligation of the State, as a model employer, extends to fair treatment of its employees irrespective of whether their engagement is contractual or regular.

13.6. This Court has, on several occasions, deprecated the practice adopted by States of engaging employees under the nominal labels of “part-time”, “contractual” or “temporary” in perpetuity and thereby exploiting them by not regularizing their positions. In Jaggo v. Union of India¹⁰, this Court underscored that government-departments must lead by example in ensuring fair and stable employment, and evolved the test of examining whether the duties performed by such temporary employees are integral to the day-to-day functioning of the organization.”

36. The Supreme Court in **Bhola Nath (supra)**, has categorically stated that the contractual stipulations purporting to bar claims for regularisation cannot override constitutional guarantees. The Supreme Court has also held that the State, as a model employer, cannot rely upon contractual level or mechanical applications of **State of Karnataka v. Uma Devi, (2006) 4 SCC 1**, to justify prolong *ad-hoc* employees or to discard long

serving employees in the manner inconsistent with fairness, dignity or constitutional governance.

37. The principles governing the doctrine of legitimate expectation by the Supreme Court in *Army Welfare Education Society v. Sunil Kumar Sharma*, (2024) 16 SCC 598, has held as follows:

“63. A reading of the aforesaid decisions brings forth the following features regarding the doctrine of legitimate expectation:

63.1. First, legitimate expectation must be based on a right as opposed to a mere hope, wish or anticipation;

63.2. Secondly, legitimate expectation must arise either from an express or implied promise; or a consistent past practice or custom followed by an authority in its dealings;

63.3. Thirdly, expectation which is based on sporadic or casual or random acts, or which is unreasonable, illogical or invalid cannot be treated as a legitimate expectation;

63.4. Fourthly, legitimate expectation operates in relation to both substantive and procedural matters;

63.5. Fifthly, legitimate expectation operates in the realm of public law, that is, a plea of legitimate action can be taken only when a public authority breaches a promise or deviates from a consistent past practice, without any reasonable basis.

63.6. Sixthly, a plea of legitimate expectation based on past practice can only be taken by someone who has dealings, or negotiations with a public authority. It cannot be invoked by a total stranger to the authority merely on the ground that the authority has a duty to act fairly generally.

64. The aforesaid features, although not exhaustive in nature, are sufficient to help us in deciding the applicability of the doctrine of legitimate expectation to the facts of the case at hand. It is clear that legitimate expectation, jurisprudentially, was a device created in order to maintain a check on arbitrariness in State action. It does not extend to and cannot govern the operation of contracts between private parties, wherein the doctrine of promissory estoppel holds the field.”

38. The Supreme Court has expressed consistently maintained its disapproval of the State’s actions in avoiding regularisation after availing services from employees. This position is further affirmed in *Shripal and Another (supra)*, where it was held that:

“14. The Respondent Employer places reliance on Umadevi (supra) to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, Uma Devi itself

distinguishes between appointments that are “illegal” and those that are “irregular,” the latter being eligible for regularization if they meet certain conditions. More importantly, Uma Devi cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment. Given the record which shows no true contractor-based arrangement and a consistent need for permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

15. It is manifest that the Appellant Workmen continuously rendered their services over several years, sometimes spanning more than a decade. Even if certain muster rolls were not produced in full, the Employer's failure to furnish such records—despite directions to do so—allows an adverse inference under well-established labour jurisprudence. *Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfil ongoing municipal requirements year after year cannot be dismissed summarily as dispensable, particularly in the absence of a genuine contractor agreement...*”

39. Reinforcing the above position, the Supreme Court in ***Dharam Singh and Others (supra)***, it is held as follows:

“11. Furthermore, it must be clarified that the reliance placed by the High Court on Umadevi (Supra) to non-suit the appellants is misplaced. Unlike Umadevi (Supra), the challenge before us is not an invitation to bypass the constitutional scheme of public employment. It is a challenge to the State's arbitrary refusals to sanction posts despite the employer's own acknowledgement of need and decades of continuous reliance on the very workforce. On the other hand, Umadevi (Supra) draws a distinction between illegal appointments and irregular engagements and does not endorse the perpetuation of precarious employment where the work itself is permanent and the State has failed, for years, to put its house in order. Recent decisions of this Court in Jaggo v. Union of India⁴ and in Shripal v. Nagar Nigam, Ghaziabad⁵ have emphatically cautioned that Umadevi (Supra) cannot be deployed as a shield to justify exploitation through long-term “ad hocism”, the use of outsourcing as a proxy, or the denial of basic parity where identical duties are exacted over extended periods...”

40. Even for the contractual conditions where the employee might have agreed in the contract, the Supreme Court has not supported the continuous engagement without regularisation and granted benefits, whereas in the facts of the case the appellant was providing continuous services for decades and was getting due salary along with all benefits like regular employees but he has not been regularized instead arbitrarily removed, and therefore in the facts of the case, the interference is warranted to enforce the rights of the appellant.

41. In view of the foregoing analysis of the facts, the submissions of the parties, and the relevant legal provisions, we are of the considered view that the findings recorded by the learned single judge is incorrect, hence, the impugned order is accordingly set aside. The appellant, having rendered long, continuous, and uninterrupted service for over three decades, with full salary, allowances, increments and other benefits, has a legitimate expectation and clearly satisfies the conditions prescribed under Rule 4(1) of the Regularisation Rules, 1979.

42. Accordingly, the special appeal is **allowed**. The respondents are directed to regularise the services of the appellant forthwith under the Regularisation Rules, 1979, with all consequential benefits in accordance with law. The respondents shall implement this direction within a period of ninety days from the date of receipt of a certified copy of this order. No further orders as to costs.

(Swarupama Chaturvedi, J.)

I agree.

(Saumitra Dayal Singh, J.)

March 31, 2026

#Vikram/-