2026 INSC 379

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1996 OF 2024

MADAN SINGH AND OTHERS **APPELLANTS**

VERSUS

STATE OF HARYANA AND OTHERS **RESPONDENTS**

WITH

CIVIL APPEAL NO.2031 OF 2024

CIVIL APPEAL NO.2033 OF 2024

CIVIL APPEAL NO.2041 OF 2024

CIVIL APPEAL NOS.2035-2037 OF 2024

CIVIL APPEAL NOS.2099-2100 OF 2024

CIVIL APPEAL NO.2044 OF 2024

CIVIL APPEAL NOS. OF 2026
(@ SLP (C) NOS. OF 2026)
(@ DIARY NO. 50483 OF 2023)

CIVIL APPEAL NO.2000 OF 2024

CIVIL APPEAL NO.1997 OF 2024

CIVIL APPEAL NO.1998 OF 2024

CIVIL APPEAL NO.2008 OF 2024

CIVIL APPEAL NO.1999 OF 2024

CIVIL APPEAL NOS.2004-2006 OF 2024

CIVIL APPEAL NOS.2001-2003 OF 2024

CIVIL APPEAL NO.2007 OF 2024

CIVIL APPEAL NOS.2010-2021 OF 2024

CIVIL APPEAL NO.2009 OF 2024

CIVIL APPEAL NO.2025 OF 2024

CIVIL APPEAL NOS.2022-2023 OF 2024

CIVIL APPEAL NO.2024 OF 2024

CIVIL APPEAL NO.2026 OF 2024

CIVIL APPEAL NOS.2027-2028 OF 2024

CIVIL APPEAL NOS.2029-2030 OF 2024

CIVIL APPEAL NO.2040 OF 2024

AND

CIVIL APPEAL NO. OF 2026
(@ SLP (C) NO.18125 OF 2025)

J U D G M E N T

ATUL S. CHANDURKAR, J.

1. Delay, if any, is condoned in Diary No.50483 of 2023.

2. Leave granted in the Special Leave Petitions.

3. In this batch of appeals, we are called upon to determine the correctness of the common judgment of the Division Bench of the Punjab and Haryana High Court[1] dated 31.05.2018 rendered in a batch of writ petitions. By the said judgment, the policy decisions of the General Administration Department of the State of Haryana dated 16.06.2014, 18.06.2014 and 07.07.2014 seeking to regularise the services of various contractual/ad hoc/daily wage employees falling in Group 'B', 'C' and 'D' have been found to be violative of the law laid down by this Court. Accordingly, the said Notifications have been quashed. In some appeals, the appellants are aggrieved by the denial of the relief of regularisation.

A. Factual Backdrop:

1 For short, "the High Court"

4. In the matter of recruitment to the posts of Assistant Professors and various other categories of employees falling in Group 'B', 'C', and 'D', the State of Haryana through its General Administration Department undertook the exercise of engagement of employees on contractual or ad hoc basis, as per the contingencies arising. In that regard, pursuant to the judgment in the case of **Secretary, State of Karnataka and others Vs. Umadevi and others**[2]**,** Notification dated 29.07.2011 came to be issued seeking to regularise the services of employees, who had worked for not less than ten years as on 10.04.2006 and were continued in service without the aid of any interim order passed by any Tribunal or Court. In the said policy, it was stated that such regularisation was being undertaken as an 'one time measure'. Thereafter, on 16.06.2014 another Notification came to be issued proposing to regularise the services of Group 'B' employees working on contractual basis, who were in service as on 28.05.2014 and had been working for not less than three years on that date. It was stated that this

2 2006 INSC 216

was being done as an 'one time measure' on humanitarian ground and that in future no such appointments would be made against sanctioned posts.

5. Subsequently, on 18.06.2014 another Notification with regards to Group 'C' and 'D' employees with a similar dateline came to be issued so as to regularise their services.

6. Thereafter on 07.07.2014, another Notification seeking to regularise the services of Group 'B' employees who had or would complete ten years' service on 31.12.2018 came to be issued, again by way of an 'one time measure' on humanitarian ground. On the same day, another Notification with regard to Group 'C' and 'D' employees also came to be issued with a similar dateline.

B. Judgment of the High Court:

7. The aforesaid Notifications dated 16.06.2014, 18.06.2014 and 07.07.2014 were the subject matter of challenge in Writ Petition No.17206 of 2014 by respondent Nos.4 and 5 in Civil Appeal No.1996 of 2024. Another batch of petitioners working on ad hoc basis sought the relief of regularisation in their writ petitions. The High Court considered all the writ petitions together

and proceeded to hold that the impugned Notifications were bad in law inasmuch as they had the effect of violating the law laid down by this Court in its various decisions in the matter of regularisation of services of contractual/ad hoc/daily wage employees. It held that failure to resort to regular mode of recruitment after the judgment in *Umadevi* (*supra*) could not be treated as an administrative exigency. The advertisements issued had invited applications for appointment on a contractual basis. As a result, it was likely that candidates, who were interested in regular recruitment but not on contractual basis may not have applied pursuant to the same. It further held that no special circumstances were pointed out to bypass the regular mode of recruitment. Though it was stated in the Notification dated 29.07.2011 that the exercise of regularisation then undertaken was by way of an 'one time measure', all the impugned Notifications referred to a similar 'one time measure', which amounted to perpetuating the illegality in the matter. There was no basis whatsoever for such appointees to claim legitimate

expectation as the impugned policies were in breach of the law laid down by this Court. It appeared that only for the purpose of achieving political objectives in the light of the fact that elections were to be held in October, 2014 that such Notifications undertaking the exercise of regularisation resulting in regularising back door entries had been issued.

8. Accordingly, the High Court quashed the Notifications dated 16.06.2014, 18.06.2014 and two Notifications dated 07.07.2014. Further it directed that any benefit granted to any employee would stand withdrawn. However, noting that such appointments had been made to undertake work in various departments, it was directed that the appointees be allowed to continue on the said posts for a period of six months from the date of the judgment, during which period the State of Haryana was directed to ensure that vacant sanctioned posts would be advertised and the process of selection would be completed. It also directed that the appointees be given the benefit of age relaxation to enable them to participate in the fresh process of recruitment in terms of

its directions. Writ petitions challenging the aforesaid notifications were allowed while other writ petitions seeking the prayer of regularisation in service came to be dismissed.

C. Appeals before this Court:

9. The said common judgment dated 31.05.2018 is the subject matter of challenge in some of the appeals. The State of Haryana through its Civil Secretariat as well as the Department of General Administration are aggrieved as its Notifications have been held to be bad in law. They have filed one set of appeals. The other set of appeals have been filed by the beneficiaries of the Notifications dated 16.06.2014, 18.06.2014 and 07.07.2014, whose services have been regularised pursuant to such policy decisions. Yet another batch of appeals has been preferred by contractual/ad hoc/daily wage employees, who are seeking the relief of regularisation of their services pursuant to the aforesaid Notifications. In these appeals, various Interlocutory Applications have been filed by numerous applicants seeking permission to intervene in the proceedings. These

applicants also seek benefit of the impugned Notifications and support the State of Haryana in its challenge to the impugned judgment.

In the other appeals, the appellants are aggrieved by the denial of the relief of regularisation.

On the other hand, the appeals are opposed by the original petitioners, who had approached the High Court for challenging the said Notifications and at whose instance the same have been quashed. These respondents support the impugned judgment and seek dismissal of the appeals.

D. Appellants' contentions:

10. We have heard the learned counsel for the parties at considerable length. In support of the appeals, it was urged by the State of Haryana and the affected employees that: -

a) The policy decisions taken in the matter of regularisation of services of contractual/ad hoc/daily wage employees by issuance of Notifications dated 16.06.2014, 18.06.2014 and 07.07.2014 were the outcome of valid exercise of executive power. Referring to Article 162 of the Constitution of India, it is submitted that exercise of executive power by the State

in view of the acute shortage of employees was a bona fide exercise. It was not necessary that there ought to exist a prior law on the basis of which such executive power could be exercised. Similarly, it was not obligatory on the part of the State Government to make any rules under Article 309 of the Constitution of the India before a post was created or filled. Reference in this regard is made to the judgment of the Constitution Bench in **Rai Sahib Ram Jawaya Kapur and others Vs. The State of Punjab and others**[3]**.**

b) The High Court committed an error in misinterpreting the judgment in *Umadevi* (*supra*). The resort to an "one time measure" was not a restricted exercise as held by the High Court. Even after a lapse of a period of six months as referred to, it was permissible for the State Government to undertake such measures looking to the prevailing contingencies. This position was clear in the light of the decisions in **State of Karnataka and others Vs. M L Kesari and others**[4] and **Jaggo Vs. Union of India and others**[5]. Similarly, the choice of

3 1955 INSC 27
4 2010 INSC 469
5 2024 INSC 1034

cut-off date as 31.12.2018 that was referred to in the Notifications dated 07.07.2014 could not be treated to be arbitrary. The said date had a rational nexus with the object that was sought to be achieved for mitigating hardship and also for resolving the long pending issue of irregular appointments.

c) All the employees, who had been appointed on contractual/ad hoc or daily wage basis were duly eligible and qualified for being regularised on the posts in question. They had completed the requisite years of continuous service prior to the cut-off date. They were also eligible for being appointed as they possessed the requisite academic qualifications. Their appointments were on the basis of public advertisements and recommendation of Selection Committees and also in accordance with the reservation policy of the State. In other words, the appointments in question could only be stated to be 'irregular' but not 'illegal'. Consequently, denying the relief of regularisation to such appointees would be unjust and discriminatory. There were large number of vacant posts remaining

even after excluding the present incumbents. Dispensing with their services at this stage would result in great hardship to them and would also lead to administrative chaos.

It was, thus, urged on behalf of the appellants that the impugned judgment having failed to take into consideration the aforesaid relevant aspects, it was liable to be set aside. Consequentially, the services of the concerned appointees were liable be protected.

E. Respondents' contentions:

11. On the other hand, the original petitioners before the High Court at whose instance the impugned Notifications were quashed supported the judgment of the High Court. Opposing the appeals, it was urged that:

-

a) The impugned Notifications had been issued beyond the time schedule that was referred to by the Constitution Bench in *Umadevi* (*supra*). In the aforesaid decision, it was made clear that services of only those employees, who had been working for more than ten years on the date when the decision in *Umadevi* (*supra*) was rendered were liable to be

regularised. Further, such directions were issued to ensure that the State Departments did not perpetuate the practice of employing persons on contractual/ad hoc or daily wage basis. The impugned Notifications in fact sought to grant benefit that was not intended by *Umadevi* (*supra*).

b) As a model employer, the State ought to have undertaken the exercise of regular recruitment on vacant sanctioned posts. By seeking to engage the services of contractual/ad hoc or daily wage employees, the State Government sought to breach its own rules and confer benefit on a handful of such appointees. Regularisation could not be treated as a mode of recruitment and appointments made in violation of the recruitment rules would be violative of Articles 14 and 16 of the Constitution of India.

c) The impugned Notifications could not have been issued by resorting to the exercise of power under Article 162 of the Constitution of India. There was no justification whatsoever given by the State Government for not undertaking any regular recruitment process.

Moreover, when the recruitment rules framed under Article 309 of the Constitution of India were in force, resort to executive powers under Article 162 for such purpose was uncalled for.

d) The High Court rightly found that though the State Government labelled its exercise as an "one time measure", it had sought to relax its rules at regular intervals. Moreover, the Notifications dated 07.07.2014 were futuristic in operation inasmuch as ad hoc employees completing service of ten years subsequent to its issuance were sought to be protected.

e) It was rightly found by the High Court that the regularisation policies resulted in qualified candidates seeking regular recruitment being deprived of the same. By seeking to advertise and fill in vacant posts on contractual basis, it was likely that eligible candidates seeking regular appointment would not have applied for contractual appointment. Regularisation of services now would cause prejudice to such candidates.

It was, thus, submitted that for all the aforesaid reasons, no interference was called for with the common

judgment of the High Court holding the impugned Notifications to be bad in law.

F. Submissions of Amicus Curiae:

12. By an order dated 08.08.2024, Mr. Nidhesh Gupta, learned Senior Advocate was appointed as amicus curiae. He has placed on record his written submissions and has contended that any appointment made in violation of the constitutional scheme and statutory rules cannot be regularised or be treated as permanent or be directed to be treated as permanent. Such power is neither available with the executive or with the Courts. Where rules have been framed under Article 309 of the Constitution of India, no regularisation would be permissible in exercise of executive powers under Article 162 of the Constitution of India that would be in contravention with such rules. In that regard, reference was made to the decision in **B.N. Nagarajan and others Vs. State of Karnataka and others etc.**[6]. The financial implications as well as other economic considerations ought to be borne in mind in this regard. It was further submitted that regular recruitment should be always insisted upon and an ad

6 1979 INSC 96

hoc appointment could be made in a permanent vacancy, only in case of a contingency. Referring to the aspect of equality in public employment, it was submitted that an equal opportunity to compete in employment was one of the basic features of the Constitution of India. The principle of legitimate expectation would be inapplicable in such case as a temporary appointment or a contractual engagement is not preceded by a proper selection process as recognized by the relevant recruitment rules. Inviting attention to the exceptions carved out in paragraph 44 of the decision in *Umadevi* (*supra*), it was submitted that steps for regularisation were required to be an "one time measure" subject to fulfilment of the conditions stated therein. Emphasising the role of the Government to act as a model employer, it was submitted that the Government ought to conduct itself in a fair manner without any arbitrariness. He also placed before us a chart indicating the manner in which the decision in *Umadevi (supra)* has been considered and

applied/distinguished by this Court in its subsequent decisions.

On the basis of the facts giving rise to the present proceedings, the learned amicus curiae suggested that the prayer for regularisation insofar as it was in violation of the law laid down in *Umadevi* (*supra*) was liable to be rejected. He also submitted that where contractual appointees had been appointed by following the due process of law and had worked for a long period, they were entitled to the grant of equal pay for equal work. It was suggested that a committee be set up to examine individual cases so as to determine whether the mandate of paragraph 44 of decision in *Umadevi* (*supra*) was satisfied or not. Exercise of power under Article 142 of the Constitution of India was also suggested to ensure rendering complete justice.

G. Factual overview:

13. At the outset, it would be necessary to briefly refer to various Notifications issued by the General Administration Department of the State of Haryana in the matter of regularising the services of Group 'B', 'C' and 'D' employees working on ad hoc/contractual basis. On

29.07.2011, pursuant to the judgment in *Umadevi* (*supra*) and as an "one time measure", services of Group 'B' employees working on ad hoc/contractual or daily wage basis on duly sanctioned vacant posts were sought to be regularised. The criteria prescribed included having continuously worked for not less than ten years as on 10.04.2006 and such employees continuing in service but not under the cover of any Court orders against duly sanctioned vacant posts. Possession of minimum prescribed qualification was necessary coupled with rendering of satisfactory service. Another Notification was issued on the same day regularising the services of Group 'C' and 'D' employees engaged on ad hoc/contractual/work charged/daily wage or part time basis. The eligibility prescribed was similar to that prescribed in respect of Group 'B' employees.

In the meanwhile, on 24.01.2014 the Haryana Public Service Commission published an advertisement seeking to fill in 1396 temporary posts of Assistant Professor in the Higher Education Department. This process of recruitment was directed to be completed by

31.12.2014 pursuant to an order dated 10.02.2014 passed by the High Court in proceedings challenging the engagement of Guest Lecturers on contractual basis.

14. Thereafter, on 16.06.2014 another Notification was issued in the matter of regularising the services of Group 'B' employees working on contractual basis. It was stated in the Notification that vide Circular dated 07.03.1996, the General Administration Department had framed a regularisation policy but it had been withdrawn on 08.12.1997. On a re-consideration of the matter, the said policy was sought to be revived only to the extent of those Group 'B' employees, who were working on ad hoc basis and whose services could not be regularised due to withdrawal of the earlier policy dated 07.03.1996. The criteria prescribed was (a) having worked for not less than three years as on 28.05.2014 and continuing in service, (b) possessing the prescribed qualification for the post on the date of appointment/engagement, (c) the work discharged was to be on a sanctioned vacant post at the time of the initial engagement and also at the time of regularisation, (d) the reservation policy as applicable

ought to be borne in mind and (e) no relaxation in any of these requirements was permissible.

On 18.06.2014, an earlier Notification dated 13.04.2007 issued by the General Administration Department came to be amended so as to regularise the left-over Group 'C' and 'D' employees whose services could not be regularised under the earlier policies due to administrative reasons. The criteria prescribed was (a) having worked for not less than three years as on 28.05.2014 and continuing in service, (b) possessing the prescribed qualification for the post on the date of appointment/engagement, (c) the work discharged was to be on a sanctioned vacant post at the time of the initial engagement and also at the time of regularisation, (d) the reservation policy as applicable ought to be borne in mind and (e) no relaxation in the prescribed criteria was permissible.

15. On 07.07.2014, yet another Notification was issued seeking to regularise the services of Group 'B' employees appointed on sanctioned posts, who had or who were to complete ten years of service by the cut-off date of

31.12.2018. The criteria prescribed was (a) having worked for not less than three years as on 28.05.2014 and continuing in service, (b) possessing the prescribed qualification for the post on the date of appointment/engagement, (c) the work discharged was to be on a sanctioned vacant post at the time of the initial engagement and also at the time of regularisation, (d) the reservation policy as applicable ought to be borne in mind and (e) no relaxation in the prescribed criteria was permissible. It was also stated that the policy was an "one time measure" on humanitarian ground with a view to fill in vacant posts. On the same day, a similar policy was formulated for Group 'C' and 'D' employees based on similar criteria.

H. Stand of the State Government in its affidavit before the High Court:

16. As noted above, the Notifications dated 16.06.2014, 18.06.2014 and the two Notifications issued on 07.07.2014 were subjected to challenge before the High Court principally on the ground that an attempt was being made to revive the earlier policy of regularisation

dated 07.03.1996. In this context, it would be necessary to refer to the stand taken by the State of Haryana through its General Administration Department in its affidavit in reply as filed in CWP No.17206 of 2014. The relevant extracts of the said affidavit in reply are as under:

> "That in reply to para 2 it is submitted that the State Government has revived policy dated 7.3.1996 and framed regularization policies dated 16.6.2014, 18.6.2014 and 7.7.2014 but in these policies it is clearly provided that the regularization should be made against sanctioned vacant posts and the candidate should possess the prescribed qualifications for the post on the date of appointment/engagement. Further, it is also clearly stated in the policies dated 16.6.2014 for group B employees, 18.6.2014 for Group C and D employees that the regularization of those employees should be made who were engaged on contact/adhoc/ daily wages etc. after adopting due procedure through Government/ Government approved agency i.e. Employment Exchange/ Departmental Selection Committee/HARTRON. Hence such type of engagements/appointments are not illegal as defined in judgment dated 3.8.2010 of Apex Court passed in the case of M.L. Kesri."
>
> "It is wrong to say that the State Government in order to gain advantage in the up coming Vidhan Sabha Elections has tried to lure the general public by framing above mentioned regularization policies. It is evident that prior to upcoming Vidhan Sabha Elections, two elections i.e. earlier Vidhan Sabha Election of 2009 and Lok Sabha Elections 2014 have been held and State Government have not made any

such policy at that time to attract the general public. These policies are the demand of administrative setup of the State Government to run its functions smoothly and in public interest."

"That in reply to para 3 of the writ petition it is submitted that the regular appointments on various posts and in various departments are being made by the recruiting agencies of the State Government on priority basis. Despite that there are lots of vacancies available in the departments and the work of the State Government is badly affected, thus the need for making above said regularization policies was felt. Moreover these policies have been made as one time measure and in these policies it is provided that no illegally engaged person should be regularised. Further no relaxation in eligibility criteria should be allowed according to these policies."

"That in reply to para 11 of the writ petition it is submitted that the regularization policy dated 7th March, 1996 for Group B adhoc employees was issued but the same was withdrawn vide letter dated 08/12/1997 with effect from date of its issuance. This is a matter of record that there had been regularization of Group C and D employees during the period from 1996 to 2003 but there had been no regularization made for any Group B employees. To avoid any kind of discrimination with the Group B employees the policy was revived on 16/6/2014 and the policy was made applicable to the employees who were still working with the Government. Moreover, it is also a matter of record that permanent posts have been kept vacant for these persons and were not included in the advertisement of PGT College Cadre Lecturers till date and thus there being no effect on the advertised posts, the petitioners averment in this regard is uncalled."

"It is pertinent to mention that as per the information received from respondent No. 3, the regularization of the lecturers working on the contractual basis would not affect recruitment process of 1396 posts of Assistant Professor as the additional

536 sanctioned vacant posts of Assistant Professor are available with the department. As the number of advertised posts are not being affected, there is no cause for action for the petitioners to file writ petition as the main reason of the petitioners approaching this Hon'ble High Court was that the advertised posts shall get affected and reduced because of regularization of contractual employees who are holding these posts on contractual basis. Thus there being no reduction in the posts, the petitioners can not said to be aggrieved by the action of regularization and as such this writ petition is liable to be dismissed on this ground."

(emphasis supplied by us)

"It is further submitted that State Government is keen to appoint regular employees of Group 'B', 'C' and 'D' on regular basis. The Haryana Public Service Commission, Haryana Staff Selection Commission, Haryana Teachers Selection Board and Director, Employment have advertised various posts. The results of various categories were also declared and successful candidates have been given appointments. Apart from this, lot of vacancies are still available with the Government."

"It is pertinent to mention that as per the information received from respondent No. 3, the regularization of the persons working on the contractual basis would not affect recruitment process of 1396 posts of Assistant Professor as the additional 536 vacant posts of Assistant Professor are available with the department. As the number of advertised posts are not being affected, there is no cause for action for the petitioners to file writ petition as the main reason of the petitioners approaching this Hon'ble High Court was that the advertised posts shall get affected and reduced because of regularization of contractual employees who are holding these posts on contractual basis. Thus, there being no reduction in the posts, the petitioners can not say to be aggrieved by the action of regularization."

I. Validity of Notifications dated 16.06.2014 and 18.06.2014:

17. A perusal of the Notification dated 16.06.2014 issued by the General Administration Department indicates that there is a reference to the earlier regularisation policy dated 07.03.1996 with regard to Group 'B' ad hoc employees that had been subsequently withdrawn on 08.12.1997. The State Government on a re-consideration of the matter decided to revive the policy dated 07.03.1996 in respect of those Group 'B' employees working on ad hoc basis, whose services could not be regularised in view of withdrawal of the said policy on 08.12.1997. By maintaining the same terms and conditions for regularisation, such benefit was intended to be given to ad hoc employees, who had been left out for being regularised pursuant to the prevailing policy dated 07.03.1996. It is also relevant to note that the criteria prescribed for seeking such benefit required possessing the prescribed qualifications for the post in question on the date of engagement and such engagement having been made on a sanctioned vacant post, which position

was required to continue even at the time of regularisation. The reservation policy prevailing from time to time was also required to be followed. As regards the aspect of seniority of ad hoc employees, whose services were to be regularised, they were to be placed below in seniority to the employees last appointed on a regular basis prior to the date of their regularisation.

A similar Notification was issued on 18.06.2014 with regard to Group 'C' and 'D' employees, who had been working on ad hoc/contractual/daily wage/work charged basis, whose services could not be regularised under the earlier regularisation policy. The criteria prescribed was similar to that which was prescribed for Group 'B' ad hoc employees. In other words, there was no relaxation whatsoever in respect of possessing requisite qualifications and initial engagement being on a sanctioned post, which position was required to continue till regularisation was to take place.

18. The object behind issuing these two Notifications for regularising the service of Group 'B', 'C' and 'D'

employees, who had been working on ad hoc/contractual/daily wage/work charged basis is evident from the Notifications itself. The same intended to cover such employees, who had been deprived of the benefit of the policy of regularisation dated 07.03.1996. The criteria prescribed was not in any manner watered down or deviated from the criteria required to be satisfied while seeking regular appointment. What is most relevant, in our view, is that such engagement should have been initially made on a sanctioned post and such engagement on the sanctioned post ought to be continuing even on the date of regularisation of service. This would clearly indicate that when such engagement on ad hoc basis was initially made, sanctioned posts were available and this position continued for a number of years so as to enable regularisation of services of the incumbents holding such posts. The criteria prescribed, therefore, is very much in tune with the criteria that would have otherwise been prescribed had the post been advertised for regular recruitment. We, therefore, find

that the exercise of regularising the services of ad hoc employees, who had been left out from getting benefit of the earlier policy that was granted to some ad hoc employees was now being granted to the remaining ad hoc employees. It is not the case of the original petitioners before the High Court, who had challenged the aforesaid Notifications that all ad hoc employees, who were eligible to have their services regularised pursuant to the policy dated 07.03.1996, had already been regularised and that the Notifications dated 16.06.2014 and 18.06.2014 were intended to facilitate the regularisation of services of some ineligible ad hoc employees. There is no such material placed on record even to indicate that the beneficiaries of the regularisation policy vide Notifications dated 16.06.2014 and 18.06.2014 were in fact not eligible to such benefit under the policy dated 07.03.1996. The exercise undertaken by the General Administration Department in issuing these Notifications, therefore, cannot be questioned on the ground of arbitrariness, illegality or as

being the outcome of a mala fide exercise of executive power. These relevant aspects do not appear to have been gone into by the High Court while holding otherwise.

19. Much emphasis has been placed on the aspect that despite the policy of regularisation being required to be undertaken as an "one time measure" as enunciated in paragraph 44 of the decision in *Umadevi (supra),* the State Government sought to undertake this exercise of regularisation belatedly and in a perpetual manner. In this regard, we may usefully refer to observations of this Court in *M L Kesari (supra)* wherein this aspect has been clarified. In paragraphs 5 to 8 of the said decision, it has been held as under:

> "**5.** It is evident from the above that there is an exception to the general principles against 'regularization' enunciated in *Umadevi*, if the following conditions are fulfilled:
>
> (i) The employee concerned should have worked for 10 years or more in duly sanctioned post without the benefit or protection of the interim order of any court or tribunal. In other words, the State Government or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years.

(ii) The appointment of such employee should not be illegal, even if irregular. Where the appointments are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed minimum qualifications, the appointments will be considered to be illegal. But where the person employed possessed the prescribed qualifications and was working against sanctioned posts, but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular.

(iii) *Umadevi* casts a duty upon the concerned Government or instrumentality, to take steps to regularize the services of those irregularly appointed employees who had served for more than ten years without the benefit or protection of any interim orders of courts or tribunals, as a one-time measure. *Umadevi*, directed that such one-time measure must be set in motion within six months from the date of its decision (rendered on 10.4.2006).

6. The term 'one-time measure' has to be understood in its proper perspective. This would normally mean that after the decision in *Umadevi*, each department or each instrumentality should undertake a one-time exercise and prepare a list of all casual, daily-wage or ad hoc employees who have been working for more than ten years without the intervention of courts and tribunals and subject them to a process verification as to whether they are working against vacant posts and possess the requisite qualification for the post and if so, regularize their services.

7. At the end of six months from the date of decision in *Umadevi*, cases of several daily-wage/ad-hoc/casual employees were still pending before Courts. Consequently, several departments and instrumentalities did not commence the one-time regularization process. On the other hand, some Government departments or instrumentalities undertook the one-time exercise excluding several

employees from consideration either on the ground that their cases were pending in courts or due to sheer oversight. In such circumstances, the employees who were entitled to be considered in terms of Para 53 of the decision in *Umadevi*, will not lose their right to be considered for regularization, merely because the one-time exercise was completed without considering their cases, or because the six month period mentioned in para 53 of *Umadevi* has expired. The one-time exercise should consider all daily-wage/adhoc/those employees who had put in 10 years of continuous service as on 10.4.2006 without availing the protection of any interim orders of courts or tribunals. If any employer had held the one-time exercise in terms of para 53 of *Umadevi*, but did not consider the cases of some employees who were entitled to the benefit of para 53 of Umadevi, the employer concerned should consider their cases also, as a continuation of the one-time exercise. The one time exercise will be concluded only when all the employees who are entitled to be considered in terms of Para 53 of *Umadevi*, are so considered.

8. The object behind the said direction in para 53 of Umadevi is two- fold. First is to ensure that those who have put in more than ten years of continuous service without the protection of any interim orders of courts or tribunals, before the date of decision in *Umadevi* was rendered, are considered for regularization in view of their long service. Second is to ensure that the departments/instrumentalities do not perpetuate the practice of employing persons on daily-wage/ad-hoc/casual for long periods and then periodically regularize them on the ground that they have served for more than ten years, thereby defeating the constitutional or statutory provisions relating to recruitment and appointment. The true effect of the direction is that all persons who have worked for more than ten years as on 10.4.2006 (the date of decision in *Umadevi*) without the protection of any interim order of any court or tribunal, in vacant posts, possessing the

> requisite qualification, are entitled to be considered for regularization. The fact that the employer has not undertaken such exercise of regularization within six months of the decision in *Umadevi* or that such exercise was undertaken only in regard to a limited few, will not disentitle such employees, the right to be considered for regularization in terms of the above directions in *Umadevi* as a one-time measure."

20. Thus, given the object behind issuing the Notifications dated 16.06.2014 and 18.06.2014, which was primarily to grant the benefit of regularisation to those remaining Group 'B', 'C' and 'D' ad hoc, contractual/daily wage employees, which benefit had been granted to similarly placed employees pursuant to Notification dated 07.03.1996, we do not find any reason whatsoever to hold that the Notifications dated 16.06.2014 and 18.06.2014 were liable to be quashed as being arbitrary, illegally or contrary to the law laid down by this Court in its various decisions.

J. Validity of Notifications dated 07.07.2014:

21. On 07.07.2014, the General Administration Department of the State Government came up with a policy decision to regularise the services of Group 'B', 'C' and 'D' employees. This policy, however, was slightly distinct from the earlier Notifications dated 16.06.2014

and 18.06.2014. Significantly, what was provided for was that the services of ad hoc employees, who had or were to complete ten years of service at the future date of 31.12.2018 were to be regularised even if his/her original appointment was not made through the process of advertisement and interview. The criteria prescribed was (a) possessing the prescribed qualification for the post on the date of appointment/engagement, (b) the work discharged was to be on a sanctioned vacant post at the time of the initial engagement and also at the time of regularisation, (c) the reservation policy as applicable ought to be borne in mind and (d) no relaxation in the prescribed criteria was permissible.

In our view, the Notifications dated 07.07.2014 seek to regularise the engagement of such ad hoc employees, who were not initially engaged through the process of advertisement nor after facing any interview. Such stipulations are not found in the earlier Notifications dated 16.06.2014 and 18.06.2014, which we have held to be valid. There is no justification placed on record by the State of Haryana as to why services of such

ad hoc employees, who had not been engaged on the basis of any advertisement or interview were sought to be regularised, that too by taking into consideration a future cut-off date of 31.12.2018. The claim of being engaged sans an advertisement itself gives rise to doubts as regards the manner of engagement. Absence of any record whatsoever of the manner of engagement does not inspire any confidence in such process. That such ad hoc employee has not faced any interview is another relevant feature. Further, there does not appear to be any rational basis for fixing a future cut-off date, which is beyond four years from the date of the Notifications. This would indicate that even when it was possible to initiate a process of regular recruitment after issuance of the Notifications dated 07.07.2014, by virtue of the impugned Notifications, number of posts which could have been filled in through regular recruitment were not liable to be advertised. The intent was to accommodate such ad hoc employees, who came to be engaged, albeit temporarily, in the absence of any public advertisement or interview. We

see no justifiable reason to uphold the validity of the two Notifications dated 07.07.2014 since they intend to regularise the services of such ad hoc employees, who were engaged without any advertisement and without being interviewed. To that extent, the impugned judgment of the High Court holding the Notifications dated 07.07.2014 to be arbitrary and illegal does not deserve to be interfered with.

22. We may indicate that we have not examined the contention raised by the appellants based on Article 162 of the Constitution of India and the permissibility of exercising executive powers in such matters. This is for the reason that the High Court has not struck down the Notifications on that count. It is, therefore, not necessary for us to go into the said aspect.

K. Conclusions:

23. Having found that the Notifications dated 16.06.2014 and 18.06.2014 are valid and that the High Court was not justified in holding otherwise, the services of the beneficiaries under these two Notifications would stand protected. In other words, in terms of the spirit of the Notifications dated 16.06.2014 and 18.06.2014, the

services of Group 'B', 'C' and 'D' employees, who satisfied the requisite criteria as prescribed are entitled to be regularised in terms thereof.

The subsequent Notifications dated 07.07.2014 are found to be arbitrary and illegal. Under the said Notifications, ad hoc employees from Group 'B', 'C' and 'D', who were in service since 31.12.2008 were intended to be regularised. A period of almost twelve years has elapsed since the issuance of these two Notifications. It is the specific stand of the State Government that even after excluding the ad hoc employees from Group 'B', 'C' and 'D', who seek benefit of these two Notifications, none of the posts advertised would be affected. Further, it is informed that such appointees have now gained sufficient experience and are likely to have settled in life with the passage of time. It is true that when the challenge was pending before the High Court, by an interim order dated 02.09.2016 it was directed that orders of regularisation if passed would be subject to the final outcome of the said proceedings. When the present proceedings were pending in this Court, an interim order directing status quo to be

maintained was passed in SLP(C) No.31566 of 2018 on 26.11.2018. It is, thus, clear that these ad hoc employees continued in service and their services are being still utilised by the State of Haryana. In these peculiar facts and in exercise of jurisdiction under Article 142 of the Constitution of India, we deem it appropriate to permit such Group 'B', 'C' and 'D' ad hoc employees, who are continuing in service and who seek benefit of the Notifications dated 07.07.2014 be continued in service. They shall, however, be placed at the lowest pay scale that is admissible to the post held by them in terms of the decision of this Court in **State of Punjab and others Vs. Jagjit Singh and others**[7].

24. The suggestions made by the learned amicus curiae in his written submissions and elaborately articulated thereafter have been referred to in paragraph 10 *(supra)*. The said contentions, in our view, do deserve serious consideration. We are, however, mindful of the fact that sitting in a Division Bench, there would be inherent difficulties for us to effectively adjudicate on

7 2016 INSC 993

these aspects. In the peculiar facts of these proceedings and as we have, with the aid of Article 142 of the Constitution of India, enabled continuation of the concerned ad hoc employees belonging to Group 'B', 'C' and 'D' under the Notifications dated 07.07.2014, we leave open the said contentions for being more effectively considered and dealt with in an appropriate case.

L. Order:

25. Accordingly, the impugned judgment of the High Court dated 31.05.2018 stands partly modified as under:

(a) It is held that Notifications dated 16.06.2014 and 18.06.2014 are valid and the judgment of the High Court to the extent it holds otherwise is set aside. The intervenors who are similarly situated and entitled to the benefit of the Notifications dated 16.06.2014 and 18.06.2014 shall also be entitled to the reliefs flowing from such declaration, subject to verification by the competent authority.

(b) It is declared that the Notifications dated 07.07.2014 issued with a view to regularise the services of Group 'B', 'C' and 'D' employees with the State of Haryana are arbitrary and illegal. They are accordingly struck

down. However, in the peculiar facts of the case, the Group 'B', 'C' and 'D' ad hoc employees, who have secured benefit of these Notifications and who continue in service shall not be disturbed. They shall, however, be placed in the lowest pay scale of the post held by them. The intervenors, who are similarly placed as those Group 'B', 'C' and 'D' ad hoc employees, who are presently in service in view of the Notifications dated 07.07.2014 shall also be entitled to the reliefs as referred to above, subject to verification by the competent authority.

(c) The employees, who had approached the High Court and who were granted liberty to take steps after the present batch of appeals were decided, are free to take appropriate steps in accordance with this judgment.

26. Before parting, we acknowledge the efforts of learned amicus curiae Mr. Nidhesh Gupta assisted by learned counsel Ms. Japneet Kaur, Ms. Jhanvi Dubey, Mr. Ashok Mathur, Ms. Vriti Gujral, Mr. Bikram Dwivedi, and Mr. Jimut Mohopatra in placing before us all relevant material along with his valuable suggestions that assisted

us in deciding this batch of appeals. We also place on record the effective contribution of all learned counsel, who assisted the Court in disseminating the complex facts involved. Their meaningful assistance made our task easier.

27. All the Civil Appeals are accordingly disposed of in aforesaid terms with no order as to costs. Pending interlocutory applications also stand disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI,
APRIL 16, 2026.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CONMT. PET. (C) NO.140 OF 2025
IN
I.A. NO.63235 OF 2020
IN
CIVIL APPEAL NO.1998 OF 2024

PHOOL PRAKASH AND OTHERS **PETITIONERS**

VERSUS

TVSN PRASAD AND OTHERS
RESPONDENTS/
CONTEMNORS

WITH

WRIT PETITION (C) NO.59 OF 2025

AND

SLP (C) NOS.26600-26605 OF 2025

O R D E R

These proceedings are de-tagged. To be listed in the regular course in tune with the order dated 04.11.2025.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI,
APRIL 16, 2026.