

Pawan Kumar & Ors. Vs. Union of India & Ors.

Civil Appeal No. _____ of 2026 @ SLP (C) No. 29214 of 2019 · Supreme Court of India · 2026-02-13 · J.K. Maheshwari · Atul S. Chandurkar · F2J-C-1066

Full judgment text

Pawan Kumar & Ors. Vs. Union of India & Ors.

[Civil Appeal No. _____ of 2026 @ SLP (C) No. 29214 of 2019]

Atul S. Chandurkar, J.

1. Leave granted.

2. The appellants having registered themselves with the Employment Exchange claim to have worked as casual workers with the Office of the Commissioner of Income Tax, Gwalior for a considerable period of time. Under the expectation that they would be conferred temporary status and their services would be thereafter regularized, the appellants initially made representations to the Income Tax Department. On their request not being accepted, the appellants approached the Central Administrative Tribunal, Jabalpur Bench¹ by preferring Original Application No.719 of 2012 with a prayer to consider their cases for regularization in service.

The Tribunal by its judgment dated 13.05.2015 held that the services of the appellants were not liable to be regularized on the ground that they did not fulfil the basic criteria of regular service for a period of ten years as on 10.04.2006 in terms of the judgment in Secretary, State of Karnataka and Ors. Vs. Umadevi (3) and Ors.² Being aggrieved, the appellants approached the High Court of Madhya Pradesh challenging the aforesaid decision. By the judgment dated 26.08.2019, the High Court declined to interfere with the aforesaid adjudication and dismissed the writ petition. Not being satisfied by the said judgment, the appellants have come up in appeal.

3. Facts material for considering the case as set-up by the appellants are that appellants No.1 to 3 came to be engaged as casual workers on the post of Sweeper from 01.10.1997, 01.05.1998 and 01.10.1997 respectively. Appellant No.4 was casually engaged on the post of Cook from 27.12.1993. It is their case that their names were sponsored through the Employment Exchange and after being duly interviewed, they were engaged as daily workers. According to them, in terms of Circulars dated 04.07.2011 and 10.01.2012, the Income Tax Department proceeded to outsource the work that was being done by the appellants.

They made various representations seeking regularization of their services considering the period of service rendered by them as casual workers. It is further the case of the appellants that services of similarly placed casual workers were directed to be regularized pursuant to the decision of this Court in Ravi Verma and Ors. Vs. Union of India and Ors.³ vide judgment dated 13.03.2018. In the light of the fact that services of similarly situated casual workers had been regularized by the Office of the Chief Commissioner, Income Tax, the appellants sought similar treatment.

Relying upon the decision in Jaggo Vs. Union of India and Ors.⁴, it is urged that the engagement of the appellants could only be termed as "irregular" and not "illegal". The fact that the work undertaken by the appellants was sought to be outsourced indicated that the said work was of a perennial nature and that only with a view to deprive the appellants of the benefit of regularization, the outsourcing policy was being implemented. On these counts, the appellants prayed for appropriate relief.

4. According to the Income Tax Department, the services of the appellants are not liable to be regularized since their eligibility in terms of the decision of the Constitution Bench in Umadevi (3) and Ors. (supra) of having rendered continuous service for ten years or more as on 10.04.2006 was not satisfied by them. In absence of any sanctioned post available at Gwalior, their services were not liable to be regularized. The engagement of the appellants was merely of a casual nature and their services were subsequently being engaged through a contractor on contractual basis. It is, thus, the case of the Income Tax Department that the Tribunal and thereafter, the High Court having rightly denied relief to the appellants, there was no reason to interfere with that adjudication.

5. We have heard the learned counsel for the parties and we have also perused the documents on record. Having considered the matter in detail, we are of the view that the services of the appellants are liable to be regularized as they are similarly situated as other daily-wage workers in the Income Tax Department, whose services have been regularized pursuant to various orders passed by this Court.

6. The appellants in the Convenience Compilation filed by them pursuant to the order dated 02.09.2025 passed in the present proceedings have sought to urge that the appellants are similarly situated as the appellants in the case of Ravi Verma and Ors. (supra) decided on 13.03.2018. Therein, the appellants had been appointed as casual employees with the Income Tax Department in the year 1993-94 after which they were working continuously.

Their prayer for regularization having been refused by the Tribunal, the said appellants approached the High Court which, however, dismissed their writ petition. This Court in the aforesaid decision was pleased to note that regularization of similarly situated employees at other places had been undertaken since the year 2006 and that discriminatory treatment had been meted out to the said appellants. It, accordingly, directed regularization of their services from 01.07.2006 alongwith the consequential benefits.

7. It would be material to note that in the aforesaid appeal, the appellants were Mr. Ravi Verma, Smt. Munni Devi, Mr. Dharam Dev Prasad, Mr. Nagendra Thakur & Mr. Sheshnath Choudhary. The names of the aforesaid appellants alongwith the names of the present appellants can be found in the list of daily-wage workers working in the Office of Income Tax, Gwalior as on 31.10.2005. The said list of daily-wage workers reads as under:

LIST OF DAILY WAGES WORKER WORKING CIT CHARGE GWALIOR AS ON 31.10.2005

These names continued to find place in the subsequent lists dated 11.11.2005 and 31.01.2008. It is, thus, clear that in view of the decision of this Court in Ravi Verma and Ors. (supra), the services of five daily-wage workers from the aforesaid list came to be regularized. Undisputedly, the names of the present appellants also find place in the said list dated 31.10.2005, 11.11.2005 and 31.01.2008. The present appellants are, therefore, similarly situated as the appellants in Ravi Verma and Ors. (supra).

8. It is also material to note that subsequently in the case of Raman Kumar and Ors. Vs. Union of India and Ors.5, this Court referred to the adjudication in the Ravi Verma and Ors. (supra) and on 03.07.2023 directed regularization of services of the appellants therein. This was for the reason that the Income Tax Department could not have discriminated in the matter of regularizing the services of similarly situated employees. On the same analogy, we find that the present appellants also being similarly situated, they cannot be discriminated from the appellants in the aforesaid two appeals.

9. Besides the aforesaid aspects, we find that the law laid down by this Court in Jaggo (supra) supports the case of the appellants in their prayer for regularization. In paragraphs 13, 20, 21 and 26, it has been held as under:

"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.

20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount.

Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization. In a recent judgement of this Court in Vinod Kumar and Ors. Etc. Vs. Union of India & Ors. 5, it was held that procedural formalities cannot be used to deny regularization of

service to an employee whose appointment was termed "temporary" but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgement have been reproduced below:

"6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).

7. The judgement in the case Uma Devi (supra) also distinguished between "irregular" and "illegal" appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case."

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.

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."

10. The aforesaid observations are sufficient to hold that the Tribunal was not justified in denying relief to the appellants by relying upon the decision in Umadevi (3) and Ors. (supra). The High Court also erred in affirming the decision of the Tribunal. The appellants are entitled to similar reliefs as granted by this Court in Ravi Verma and Ors. (supra) as well as in Raman Kumar and Ors. (supra).

11. For all the aforesaid reasons, the judgment of the High Court dated 26.08.2019 in M.P. No.3460/2018 is set aside. The services of the appellants be regularized from 01.07.2006 on the same terms as made applicable in Ravi Verma and Ors. (supra) as well as in Raman Kumar and Ors. (supra). The benefits be released in favour of the appellants within a period of three months from today.

12. The applicants in Interim Application No.42233/2020, who were impleaded as party respondents in view of the order dated 15.03.2021 are also entitled to the aforesaid reliefs.

13. The Civil Appeal stands allowed in aforesaid terms with no order as to costs.

14. Pending applications, if any, shall also stand disposed of.

.....J. [J.K. Maheshwari]

.....J. [Atul S. Chandurkar]

New Delhi,

February 13, 2026.

1 For short, the Tribunal

2 2006 INSC 216

3 Civil Appeal Nos.2795-2796 of 2018

4 2024 INSC 1034

5 Civil Appeal No.4146 of 2023

Source disclosure: Complete sanitized public judgment text retained for research; official-primary replacement remains pending.

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