

(2026) 01 UK CK 1925

In the Uttarakhand High Court

Case No : Writ Petition Miscellaneous Single No. 1482, 1538 Of 2022

M/S Kanhaiya Lal Polytechnic, Roorkee & Ors

APPELLANT

Vs

Presiding Officer, Labour Court, Haridwar & Ors

RESPONDENT

Date of Decision : 10-01-2026

Acts Referred:

Constitution Of India, 1950 — Article 21
Pradesh Technical Education Institution (Receiving Grant-In-Aid From The Government) Regulations, 1996 - 2, 4, 15, 39

Citation : (2026) 01 UK CK 1925

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Siddhartha Sah, M.C. Pant, K.S. Mehta

Final Decision : Dismissed

Judgement

Pankaj Purohit, J

1. Since in both the writ petitions, common question of law and facts are involved, hence, they are being taken up together and are being decided by this common judgment. However, for the sake of brevity, the facts of WPMS No.1482 of 2022 are taken into consideration alone.

2. Both the writ petitions have been filed by the petitioner(s) challenging the legality, propriety and correctness of the award dated 03.01.2022 passed by learned Presiding Officer, Labour Court, Haridwar in Adjudication Case No.21 of 2012 Naresh Kumar and Others Vs. M/s Kanhaiya Lal Polytechnic and Another, whereby, learned Labour Court has directed the regularization of services of the respondents/workmen under the Uttarakhand Regularization Rules, 2011, with effect from 01.11.2011.

3. The petitioner(s) assails the impugned award on the ground that learned Labour Court has exceeded its jurisdiction, misapplied the statutory rules, ignored binding judicial precedents and has passed the award in teeth of the

settled legal position governing regularization of temporary, daily wage and contractual employees in aided educational institutions.

4. The brief facts of the case are that M/s Kanhaiya Lal Institute is an aided Polytechnic institution, governed by the statutory framework namely The Uttar Pradesh Technical Education Institution (Receiving Grant-in-Aid from the Government) Regulations, 1996 (hereinafter referred to as "the Regulations of 1996"). As per the said Regulations, the power of creation of posts, sanction of vacancies and recruitment vests with the Director, Technical Education, whereas the Principal of institution is merely the signing authority and has no independent power to create posts or regularize services of employees. The respondents-workmen were engaged at different points of time as daily wagers, contractual or ad hoc employees, primarily for duties connected with the hostel and institutional premises, such as Watchman and Safai Karamchari. It was submitted that no government-sanctioned posts exist for the hostel; the hostel is not a government-aided unit; the salaries of such workmen are paid either from student hostel fees or other internal resources of the institution and no grant-in-aid is received from the State Government for the hostel establishment.

5. Earlier, the private respondents-workmen had approached this Court by filing WPSS No.2309 of 2001 Naresh Kumar & others vs. State of Uttaranchal, seeking regularization of their services. The said writ petition was dismissed by a Coordinate Bench of this Court vide judgment and order dated 14.08.2006, wherein it was categorically held that respondents/ workmen had no legal right to claim regularization. The said judgment attained finality and operates as res judicata between the parties. Subsequently, private respondents raised an industrial dispute, which was registered as Adjudication Case No. 21 of 2012 Naresh Kumar and Others Vs. M/s Kanhaiya Lal Polytechnic and Another, before learned Labour Court, Haridwar. During the pendency of proceedings, petitioner-Institution brought on record various communications issued by the Director, Technical Education, Uttarakhand and the State Government, including letters dated 19.09.2013, 15.12.2015, and 27.02.2016, clearly stating that the Regularization Regulations, 2013 and similar schemes were not applicable to daily wagers, work-charged, contractual, fixed salary, part-time and ad hoc employees of Kanhaiya Lal Polytechnic and no proceedings for regularization were permissible. It was also submitted that under the Regulations of 1996, recruitment to Class-IV posts can be undertaken only against sanctioned vacancies after prior approval of the Director, Technical Education and the Principal has no authority to appoint, regularize, or remove employees independently. Despite this settled position, learned Labour Court relied upon certain Government Orders issued in respect of other institutions, such as G.B. Pant Engineering College, proceeded to apply the Regularization Rules, 2011 to the respondents-workmen.

6. Learned Labour Court vide impugned award dated 03.01.2022 held that respondents-workmen were entitled to regularization under the Regularization

Rules of 2011 w.e.f. 01.11.2011 and directed petitioner-institution as well as the State authorities to regularize their services. Learned Labour Court further recorded findings holding the petitioner-institution responsible for recruitment and control of Class-IV employees and brushed aside the binding effect of earlier judgments and statutory regulations. Aggrieved by the said judgment and award, petitioner(s) has approached this Court.

7. Learned counsel for petitioner-institution submitted that the impugned award dated 03.01.2022 is wholly illegal, perverse and without jurisdiction. It was contended that learned Labour Court has ignored the binding judgment of Coordinate Bench of this Court dated 14.08.2006 passed in WPSS No.2309 of 2001, whereby, the very claim of regularization raised by respondents-workmen stood rejected and had attained finality. The said issue could not have been reopened in collateral proceedings, and the award is therefore barred by the principles of res judicata.

8. He further submitted that learned Labour Court has grossly exceeded its jurisdiction by issuing a positive direction for regularization, a power which vests exclusively with the State Government and the competent authority under the statutory rules. Even a Coordinate Bench of this Court, in the earlier round of litigation, had not granted such relief. Learned Labour Court could not have exercised a jurisdiction which it does not possess, particularly in the absence of sanctioned posts and statutory authority.

9. It is further contended by him that learned Labour Court has wrongly applied the Uttarakhand Regularization Rules, 2011 to respondents/workmen, who were admittedly engaged as daily wagers, work-charged, contractual, fixed salary, part-time and ad hoc employees, largely in connection with the hostel. Official communications issued by the State Government and the Director, Technical Education, including letters dated 19.09.2013, 15.12.2015 and 27.02.2016, clearly stipulate that the Regularization Rules are not applicable to such categories of employees of petitioner-institution. These binding instructions were completely ignored by learned Labour Court. It was also submitted that the petitioner institution is governed by The Uttar Pradesh Technical Education Institution (Receiving Grant-in-Aid from the Government) Regulations, 1996, under which the power to create posts and make recruitment lies solely with the Director, Technical Education, while the Principal is merely the signing authority. Learned Labour Court erred in law in holding the Principal fully responsible for recruitment and control of Class-IV employees, in clear disregard of Regulations 4, 15 and 39 of the 1996 Regulations, and contrary to the judgment passed by a Coordinate Bench of this Court on 04.07.2019 in WPMS No. 2894 of 2016.

10. Learned counsel for petitioner also submitted that respondents-workmen were engaged mainly for duties relating to the hostel, which is not a government-aided unit, receives no grant-in-aid, and has no sanctioned posts. Salaries are paid from hostel fees or other institutional resources. In such circumstances, no legal right to regularization can accrue. Learned Labour Court committed a

manifest error by relying upon Government Orders issued in respect of other institutions such as G.B. Pant Engineering College and by treating alleged institutional vacancies as hostel vacancies, thereby misapplying the statutory framework.

11. It was also submitted that the findings recorded by learned Labour Court are based on conjectures and surmises and ignore material facts, including misrepresentation by one of the respondents regarding his date of joining and the dismissal of another respondent on account of misconduct. The direction to grant regularization retrospectively from 01.11.2011 is arbitrary and wholly unsustainable in law. The impugned award is thus contrary to statutory provisions, binding judicial precedents and settled principles laid down by Hon'ble Supreme Court and is liable to be set aside.

12. Learned counsel for respondents-workmen submitted that the writ petition is wholly misconceived, legally untenable and an abuse of the extraordinary jurisdiction of this Court. It is contended by him that the impugned award dated 03.01.2022 passed by learned Labour Court is a well-reasoned adjudication rendered pursuant to a valid statutory reference under the Industrial Disputes Act, 1947, and therefore, does not warrant interference in writ jurisdiction. Learned Labour Court after due consideration of the material on record, has rightly held that the continued non-regularization of respondents-workmen is illegal, arbitrary and unjustified and has accordingly directed regularization under the Regularization Rules, 2011 with effect from 01.11.2011.

13. It was further argued by learned counsel for the respondents-workmen that the plea of petitioner(s) is merely that temporary or contractual employees are a mere play on nomenclature and devoid of substance. It was submitted that the respondents have been working continuously for decades as an integral part of the institution, discharging perennial duties under the administrative and disciplinary control of the petitioner, receiving wages through institutional mechanisms. Learned Labour Court has rightly held that such long, uninterrupted service cannot be reduced to "temporary" employment merely by labeling it so. Reliance was placed upon the statutory force of the Model Standing Orders, which override any contractual arrangement to the contrary and it was contended that a workman who has completed 240 days of service is entitled to be treated as permanent, irrespective of artificial breaks. Learned counsel also relied upon the judgments of Hon'ble Supreme Court in *Bhartiya Kamgar Karamchari Mahasangh vs. M/s Jet Airways Ltd.* (2023 INSC 646) and *Union of India vs. K. Suri Babu* (2023 SCC OnLine SC 1591) to submit that standing orders have statutory mandate and cannot be diluted by executive or contractual devices.

14. He lastly submitted that petitioner(s) has deliberately delayed the regularization of respondents-workmen despite repeated recommendations and has approached this Court belatedly only to deprive the respondents, who are on the verge of retirement, of their legitimate service and retiral benefits. Denial of

regularization at this stage would amount to grave injustice, arbitrariness and inhumanity. It was contended that learned Labour Court had full jurisdiction to adjudicate upon the issue and even to mould relief in the interest of industrial justice, as recognized by the Hon'ble Supreme Court in *Bharat Bank Ltd. vs. Employees of Bharat Bank Ltd.*, AIR 1950 SC 188. Both the writ petitions, being devoid of merit and filed only to stall compliance of a lawful award, deserve to be dismissed with exemplary costs.

15. Heard learned counsel for the parties and perused the material placed on record. The challenge in these writ petitions are to the award dated 03.01.2022 passed by learned Labour Court, whereby the services of respondents-workmen have been directed to be regularized w.e.f. 01.11.2011 under the Regularization Rules, 2011. The principal contention of the petitioner(s) is that learned Labour Court lacked jurisdiction to issue such a direction and the respondents-workmen were engaged on temporary/ad-hoc basis without sanctioned posts. This Court is unable to accept the aforesaid contention. The record clearly reflects that the dispute was referred for adjudication by the State Government itself under the Industrial Disputes Act, 1947. Once a valid statutory reference is made, any objection relating to maintainability fades into insignificance.

16. Furthermore, learned Labour Court has rightly appreciated the statutory framework governing the petitioner-institution. The Uttar Pradesh Technical Education Institutions (Receiving Grant-in-Aid) Regulations, 1996, particularly, Regulation 39 r/w Regulation 2, clearly recognize the authority of Principal in respect of engagement and continuation of such workers. The plea sought to be raised by petitioner(s) that the hostel is a separate entity from the institution is purely artificial. The hostel is an integral part of the aided institution and cannot be treated as a distinct establishment so as to deny the respondents benefit of statutory protection. The Regularization Rules, 2011 expressly apply to Government institutions and there is no material on record to exclude the respondents from their ambit. It is also undisputed that the respondents have rendered long, uninterrupted service spanning several decades. The State Government itself issued guidelines for regularization of such employees, and having done so, it is not open either to the petitioner-State or to the petitioner-institution to take a U-turn. The doctrine of promissory estoppel squarely applies. Administrative authorities cannot approbate and reprobate to the detriment of employees who have structured their lives around a legitimate expectation created by governmental policy. Learned Labour Court has correctly relied upon the statutory force of Model Standing Orders, which override contractual or nomenclatural devices adopted by employers to perpetuate temporary status. Hon'ble Supreme Court has repeatedly held that continuation of workmen on ad-hoc, daily-wage or temporary basis for long periods is arbitrary, exploitative and violative of constitutional principles. Recent judgments, including those referred to in *Bharatiya Kamgar Karamchhari Mahasangh vs M/s Jet Airways Ltd.*, 2023 INSC 645, strongly deprecate such practices and affirm the obligation of employer to regularize eligible employees. The impugned award is fully aligned

with this settled jurisprudence.

17. The reliance placed by petitioner on the decision in *B. Srinivasa Reddy v. Karnataka Urban Water Supply & Drainage Board Employees' Association* has been rightly distinguished by learned Labour Court. That case arose out of a dispute raised by members of an unrecognized union, whereas in the present case State Government itself initiated the reference and framed regularization guidelines. The factual and legal foundation of the said judgment is therefore inapplicable to the present controversy. This Court is also mindful that the right to livelihood forms an integral part of Article 21 of the Constitution of India. Denial of regularization to employees who have devoted the prime of their lives to the institution would result in grave injustice and arbitrariness, particularly when many of the respondents are on the verge of retirement. The writ jurisdiction of this Court cannot be invoked to unsettle a just and equitable award merely on technical objections raised belatedly. At the same time, it is clarified that in the event sanctioned posts are created or arise in future and the services of respondents are required, liberty shall remain with the petitioner-institution to process such cases afresh in accordance with law and applicable rules. The impugned award does not foreclose such statutory consideration.

18. In view of the aforesaid discussions, this Court finds no perversity, jurisdictional error or illegality in the impugned award dated 03.01.2022 passed by learned Labour Court.

19. Both the writ petitions, being devoid of merit, are dismissed. The impugned judgment and award dated 03.01.2022 passed by learned Presiding Officer, Labour Court, Haridwar, in both the writ petitions, are affirmed.

20. Pending application(s), if any, stands disposed of.