

(2026) 02 OHC CK 1719

In the Orissa High Court

Case No : Writ Petition (C) No. 5227, 5943, 8593, 8934 Of 2025

Union Of India & Ors

APPELLANT

Vs

Tapan Kumar Pal And Others

RESPONDENT

Date of Decision : 10-02-2026

Acts Referred:

Constitution Of India, 1950 — Article 12
Administrative Tribunals Act, 1985 — Section 21

Citation : (2026) 02 OHC CK 1719

Hon'ble Judges : Krishna Shripad Dixit, J;Chittaranjan Dash, J

Bench : Division Bench

Advocate : P.K. Parhi, Dipti Ranjan Bhokta, B.B. Mishra, S. Patro, D.N. Pattnayak, Dillip Kumar Mohanty, S. Nayak, B.N. Behera

Final Decision : Dismissed

Judgement

Krishna Shripad Dixit, J

1. All these petitions by the Union Government & its official seek to lay a challenge to the orders of the Central Administrative Tribunal, Cuttack Bench, Cuttack whereby the subject O.A. Nos.158, 350, 328 & 295 of 2019 having been favoured, an order of the following kind has been passed:

"In view of the discussion above, the order dated 29.09.2017 (A/15) is quashed since it is illegal and arbitrary. Consequently the respondents are directed to extend similar benefits as granted to other similarly situated employees and regularize the service of the applicant from his initial date of joining and grant him all consequential benefits for the purpose of ACP, MACP and pensionary benefits. The entire exercise shall be carried out within a period of 90 days from date of receipt of copy of this order."

2. Learned DSGI Mr. Parhi assisted by Sr. Panel Counsel & CGCs submits that the regularization having been done in the year 1985 subject to certain terms & conditions, the employees years thereafter could not have canvassed their

grievance in the O.As, when section 21 of the Administrative Tribunals Act, 1985 prescribes a period of limitation of one year, little relaxable as well; the regularization of irregular service does not always enure to the benefit of the employees except for certain limited purpose such as determining the terminal benefits; even the ratio in State of Karnataka v. Umadevi, AIR 2006 SC 1806 comes to the aid of Petitioners. So arguing, he seeks for allowing the petitions by setting aside impugned orders of the Tribunal.

3. Learned advocate appearing for the private Opposite Parties, with equal vehemence, resists the petitions making submission in justification of the impugned orders and the reasons on which they have been constructed by the Tribunal. He contends that in Maharashtra, the services of similar employees have been regularized with retrospective effect pursuant to the orders of Central Administrative Tribunal, Bombay; therefore, the Union Government being an entity under Article 12 of the Constitution, cannot practise discrimination; it is expected to conduct itself as a Model Employer. He also draws our attention to the Bombay High Court judgment in W.P.(C) No.543 of 2002 disposed off vide order dated 18.12.2012 wherein a direction has been issued for regularizing the services with retrospective effect from the date of entry and for granting the service benefits. He also draws our attention to a Coordinate Bench judgment of this Court in W.P.(C) No.3268 of 2011 disposed off vide order dated 22.04.2014. Lastly, he tells us that regardless of interpretations placed on the text of the impugned orders, his client would be satisfied even if the benefit of regularization is confined to determination and grant of terminal benefits, as directed by the Tribunal itself.

4. Having heard learned counsel for the parties and having perused the petitions papers, we decline indulgence in the matter broadly agreeing with the reasoning of the impugned orders and submission made on behalf of the private Opposite Parties. We too express few points for consideration as under:

4.1. It is not disputed before us that all these private Opposite Parties were/are the employees of Census Department headed by Registrar General of India. Their services were engaged on ad hoc basis as LDCs; subsequently, they came to be regularized with a condition that the benefit of regularization is only for the post regularization effect. Some employees elsewhere in other parts of the country had approached the Central Administrative Tribunal and had secured orders in their favour for counting the benefit of regularization with effect from the date of entry itself. The Bombay High Court in WP No.543 of 2002 between Smt. D.V. Pandit v. Union of India and other batch of Writ Petitions vide order dated 18.12.2012 has granted relief as under:-

"Accordingly Writ Petition No.543 of 2002 is allowed in terms of prayer clause (cc) and Writ Petition No.1653 of 2003 is allowed in terms of prayer clause(a) and (b). Petitioners in both these Petitions are entitled to be regularized as LDCs from the date of their initial appointment. It is further directed that Petitioners in both these Petitions are entitled to the consequential benefits including seniority

and other benefits for the purpose of fixation of their pension.”

That being the position, the employees in Orissa, who are in all fours similarly circumstanced with those in Maharashtra, have been rightly granted similar benefits by the Tribunal at Cuttack.

4.2. Learned counsel for the private Opposite Parties is more than justified in drawing our attention to both the orders dated 02.04.2014 whereby the Bombay High Court judgment has been implemented, subject to the outcome of review petition that was then contemplated. On being asked, learned DSGI says that he does not have any idea as to whether any review petition was filed and if filed what happened to the same. Had review petition been allowed, we assume, certainly that order would have been placed on record before the Tribunal, before the High Court or at least before us. That is not the case. Once impugned orders are unconditionally implemented or implemented to certain contingencies, it is for the implementer to tell the Court what contingency it was and whether such contingency has happened.

4.3. The vehement contention of learned DSGI and also learned Sr. Panel Counsel that post Umadevi there is a big shift in the law relating to regularization of services in public employment, and that the impugned judgments of the Tribunal do not accord with that jurisprudence, is bit difficult to countenance. It hardly needs to be stated that law as a social institution is not a static water; it is more like river Ganga which keeps flowing; Umadevi is not the destination point; at the most, it was only a “Travellers’ Inn”; law has marched from April to May and now to the June of its life vide Jaggio V. Union of India, 2024 INSC 1034, Dharam Singh v. State of U.P, 2025 INSC 998, Shripal v. Nagar Nigam, Ghaziabad, 2025 INSC 144 & Bholanath v. The State of Jharkhand, 2026 INSC 99. The rigors of Umadevi have been substantially withered away, core remaining intact. Therefore, Umadevi would not come to the aid of petitioners.

4.4. The last submission of Petitioners’ counsel that the Tribunal’s orders have to be construed to the effect that the benefit of regularization of service has to be confined to determination of terminal benefits, such as pension, etc., is broadly agreeable to counsel for the Opposite Parties, as well. The Tribunal has directed grant of ACP & MACP and it is only for the purpose of determining what the last pay drawn would have been on par with other employees. Therefore, any apprehension now does not obtain in view of this clarification. In view of this even the contention as to delay & laches allegedly brooked by employees in approaching the Tribunal would pale into insignificance. In a way this order is a win-win position for both sides and it would bring a just result in the fitness of things.

In the above circumstances, these petitions being devoid of merits are liable to be rejected and accordingly they are, costs having been made easy. By way of abundant caution, we make it clear that the benefit of the impugned orders is confined to the grant of terminal benefits which would obviously include ACP &

MACP. Impugned orders of the Tribunal shall be implemented within an outer limit of three months.

Web copy of judgment to be acted upon by all concerned.