



AIBEA's *Banking News*

NEWS BULLETIN FROM ALL INDIA BANK EMPLOYEES' ASSOCIATION

Citing Rajdharna and Bhagavad Gita, Punjab & Haryana HC Says State Cannot Keep Workers in 'Endless Precarity'

Invoking Rajdharna and Bhagavad Gita, High Court orders Haryana to regularize long-serving daily-wage workers

By - Salil Tiwari | 5 Jan 2026



While allowing writ petitions of long-serving daily wage and contractual employees, the high court ordered their regularization.

Invoking Rajdharna and the Bhagavad Gita, the Punjab and Haryana High Court has held that a welfare State cannot keep workers in a

prolonged state of insecurity while continuing to take uninterrupted benefit of their service, observing that such conduct is inconsistent with Indian constitutionalism and the civilisational idea of Rajdharma.

In a common judgment allowing 41 connected writ petitions, the bench of Justice Sandeep Moudgil said Indian constitutionalism carries a moral vocabulary rooted in fairness and justice, which runs parallel to the idea of Rajdharma.

Referring to the Bhagavad Gita's concept of loksangraha, court observed that public power must be exercised in a manner that serves social stability and the common good, and not merely administrative convenience.

Court observed that a welfare State cannot, in good conscience or good law, keep citizens in endless precarity while taking uninterrupted benefit of their service, adding that governance is not merely about outputs but also about how those outputs are produced.

The petitions were filed by daily wage, contractual and ad hoc employees working in various Haryana government departments. Many of them had been engaged since the 1990s and continued to perform departmental duties for decades without their services being regularised.

The lead matter, Joginder Singh vs State of Haryana, concerned a worker engaged as a daily wager who had rendered continuous service as a water pump operator for nearly three decades. The court recorded that the Haryana government had issued several regularisation policies over the years, including in 1993, 1996, 2003, 2011 and 2014, but the petitioner's case was never meaningfully considered under any of them.

The petitioners contended that despite their long and uninterrupted service and despite similarly situated employees having been regularised, their cases were ignored. Even after submitting representations seeking regularisation, no final decision was communicated to them.

The State opposed the petitions by contending that the petitioners were not appointed against sanctioned posts, did not possess the prescribed qualifications, had breaks in service, and therefore did not satisfy the conditions of the applicable regularisation policies. The State also

contended that no legal or fundamental right of the petitioners had been violated and that the petitions suffered from delay and laches.

During its analysis, court examined the scope of judicial intervention in matters of regularisation and referred to the Constitution Bench decision in *State of Karnataka v. Uma Devi* (2006) while setting out the legal position governing public employment. Court noted that while illegal appointments cannot be regularised, *Uma Devi* itself recognised a distinction between illegal and irregular appointments and required the State to undertake a one-time regularisation exercise for eligible employees who had served for long periods.

Court held that the State cannot be allowed to profit from its own inaction. When an institution extracts work for decades and then pleads absence of sanctioned posts, the court observed, it is not stating an inevitability of nature but confessing an administrative choice. Sanctioned posts, court said, do not fall from heaven and must be created by a conscious and rational assessment of need.

Court clarified that *Uma Devi* does not permit the State to perpetuate exploitative employment arrangements. It referred to subsequent Supreme Court decisions, including *M.L. Kesari and Jaggo vs Union of India*, which have held that employees who have rendered more than ten years of service in non-illegal appointments are entitled to fair consideration for regularisation. Denial of even such consideration, the court held, attracts judicial scrutiny.

Court was also critical of the practice of repeatedly changing the description of engagement, such as daily wage, contractual or project staff, while continuing to extract work of a perennial nature. Court held that the Constitution looks beyond nomenclature to the true character of the engagement and requires the State to act fairly.

Rejecting the State's objection on delay, court held that once a regularisation policy is framed, the State is under an obligation to implement it. In cases involving workers from the lowest strata of society, prolonged inaction by authorities renders the cause of action a continuing one and cannot be used to deny relief.

Allowing all the petitions, court set aside any orders rejecting the claims of the petitioners. It directed the Haryana government to regularise the workers under the relevant policy applicable when they first became eligible. Court further held that even those workers who were not covered under earlier policies but had completed more than ten years of service as on December 31, 2025, were entitled to regularisation.

The State was directed to grant all consequential benefits, including fixation of pay and arrears along with interest at six percent per annum, and to complete the entire exercise within eight weeks. Court concluded that Articles 14 and 16 of the Constitution govern not only entry into public service but the entire life cycle of public employment, and that a welfare State cannot, by changing labels or relying on procedural objections, deny legitimate consideration to workers who have served it for decades.

<https://lawbeat.in/news-updates/citing-rajdharma-and-bhagavad-gita-punjab-haryana-hc-says-state-cannot-keep-workers-in-endless-precarity-1553476>

2026 JANUARY 6



ALL INDIA BANK EMPLOYEES' ASSOCIATION

Central Office: PRABHAT NIVAS

Singapore Plaza, 164, Linghi Chetty Street, Chennai-600001

Phone: 2535 1522 Mobile : 98400 89920

e mail ~ chv.aibea@gmail.com Web: www.aibea.in