



Case study: Jaggio v. Union of India: Its impact on the regularisation of service jurisprudence of contractual employees

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Abstract

This case study critically examines *Jaggio v. Union of India* as a significant milestone in the evolving service jurisprudence relating to the regularisation of contractual employees in India. The judgment reflects the Supreme Court of India's nuanced shift from a rigid, formalistic approach towards a more equity-oriented and constitutional interpretation of long-term contractual employment. The Court, while reiterating that regularisation cannot be claimed as a matter of right, emphasized that prolonged, uninterrupted service rendered by contractual employees especially against sanctioned posts and under continuous administrative control creates a legitimate expectation deserving judicial protection. The decision in *Jaggio* underscores the constitutional mandate of Articles 14 and 16, holding that the State cannot perpetuate arbitrariness by engaging employees on a contractual basis for years together while extracting work equivalent to that of regular employees. The Court distinguished irregular appointments from illegal appointments and clarified that where the initial engagement is not tainted by fraud or backdoor entry, denial of regularisation after long years of service may amount to exploitation and violation of equality principles. This case study analyses the reasoning adopted in *Jaggio v. Union of India*, situates it within the broader post-*Uma Devi* jurisprudence, and evaluates its impact on subsequent claims for regularisation by contractual employees, particularly in public institutions and universities. The study argues that *Jaggio* contributes to a developing judicial doctrine that balances administrative discretion with social justice, fairness, and dignity of labour. It concludes that the judgment strengthens the protective framework for long-serving contractual employees and signals a gradual re-humanisation of service law in India.

Keywords: Absorption, legitimate expectation, contractual appointment, regularisation, service law etc

Introduction

The issue of regularisation of contractual employees has emerged as one of the most contested and evolving areas of Indian service jurisprudence. With increasing reliance by the State and its instrumentalities on contractual, ad-hoc, and temporary appointments, questions concerning job security, equality, fairness, and constitutional morality have frequently reached the courts. The Supreme Court of India, while recognising the administrative need for contractual engagements, has consistently cautioned against their misuse as a mechanism to deny employees their legitimate service rights. In this backdrop, *Jaggio v. Union of India* occupies a significant place in the jurisprudence governing regularisation of long-serving contractual employees. The decision in *Jaggio v. Union of India* reflects a nuanced judicial approach that goes beyond a mechanical application of the constitutional bench ruling in *Secretary, State of Karnataka v. Umadevi*. While *Umadevi* sought to curb backdoor entries and arbitrary regularisation, *Jaggio* illustrates how the Supreme Court has gradually carved out equitable exceptions where contractual employment is continued for long durations under sanctioned posts, with the tacit approval of the State, and without any fault attributable to the employee. The case thus marks a transition from a rigid prohibition on regularisation to a more humane, rights-oriented interpretation rooted in constitutional values. At its core, *Jaggio* raises critical questions about the State obligations as a model employer under Articles 14 and 16 of the Constitution of India. It examines whether prolonged contractual service, extracted year after year under identical duties as regular employees,

can be justified without offering any pathway to regularisation or security of tenure. The judgment underscores the principle that the State cannot exploit contractual arrangements to perpetuate insecurity and inequality, particularly when the employee has served continuously for a substantial period against a clear and continuing need of the administration. The importance of *Jaggio v. Union of India* lies not merely in the relief granted to the individual litigant, but in its broader doctrinal impact on service law. The ruling reinforces the doctrines of fairness, non-arbitrariness, and legitimate expectation, while emphasising that constitutional courts must examine the substance of employment rather than its form. By acknowledging that long-term contractual service may, in certain circumstances, warrant regularisation or analogous relief, the Supreme Court reaffirmed its role as the guardian of social justice within public employment. This case study, therefore, seeks to analyse *Jaggio v. Union of India* as a landmark decision contributing to the evolving "new dimensions" of regularisation jurisprudence. It situates the judgment within the larger constitutional and judicial framework, evaluates its reasoning and ratio decidendi, and assesses its impact on subsequent cases involving contractual employees across various public sectors. The introduction sets the foundation for understanding how *Jaggio* strengthens employee-centric service jurisprudence while maintaining a careful balance with constitutional limitations on public employment.

Factual Background of the Case: The appellants *Jaggio* and others were employees engaged by the Central Water

Commission (CWC), an instrumentality of the Union of India. The dispute travelled through the Central Administrative Tribunal (CAT), the Delhi High Court, and ultimately reached the Supreme Court of India by way of civil appeals arising out of SLP Civil No. 5580 of 2024 and SLP Civil No. 5580 of 2024. Within a short span following the dismissal of the Original Application on 17.04.2018, the respondent authorities abruptly terminated the services of all the applicants on 27.10.2018, without issuing any show-cause notice or affording them an opportunity of hearing, thereby acting in blatant violation of the principles of natural justice. The appellants were initially appointed on a part-time, ad-hoc, or contractual basis applicant Nos. 1, 2, and 3 were appointed as Safaiwalis in 1993, 1998, and 1999 respectively. Applicant No. 5 was appointed as a Khallasi in 2004, also performing duties similar to a Mali. Though designated as part-time workers, they were continuously engaged in daily housekeeping, cleaning, gardening, and maintenance work, essential for the functioning of CWC offices, including at Faridabad.

The appellants Jaggo and another were engaged by the union of India on a contractual/temporary basis. The engagement continued for a substantial period, with repeated renewals of contract. Despite discharging regular and perennial duties, the petitioner was denied for the regular pay scale, service benefits, and consideration for regularisation. Aggrieved by discriminatory treatment vis-à-vis similarly situated employees, appellants approached the court seeking regularisation of service.

Legal Issues for Determination: The following legal issues were involved in this case. They are as follows:

1. Whether the Constitution Bench ruling in *Secretary, State of Karnataka v. Umadevi* (2006) lays down an absolute and inflexible bar against regularisation of contractual, temporary, or ad hoc employees?
2. Whether the State can rely on *Umadevi* to justify perpetual contractual employment despite the permanent nature of work?
3. Whether rigid application of *Umadevi* violates Articles 14 and 16 by permitting arbitrary and exploitative contractualisation?
4. Whether employees engaged on contractual/temporary basis for long, uninterrupted periods can legitimately claim regularisation?
5. Whether denial of regularisation to similarly situated contractual employees violates Articles 14 equality before law and 16 equality of opportunity in public employment?
6. Whether continuous renewals of contracts and long service creates a legitimate expectation of regularisation of a temporary employee?
7. Whether regularisation can be denied solely on the ground that the appointment was not made against a formally sanctioned post, despite the work being of a permanent and perennial nature?
8. Whether appointments made through a transparent and merit-based process, but without strict compliance with procedural rules, can be regularised?

Arguments on the behalf of the Appellants: The appellants have placed the following main arguments before the Court:

1. **Continuous and Substantive Engagement:** The appellants emphasize their long, uninterrupted service spanning well over a decade and in some instances, exceeding two decades. They argue that their duties were neither sporadic nor project-based but permanent and integral to the daily functioning of the respondent's offices.
2. **Nature of Duties: Their responsibilities:** Such as cleaning, dusting, gardening, and other maintenance tasks were not casual or peripheral. Instead, they were central to ensuring a clean, orderly, and functional work environment, effectively aligning with roles typically associated with regular posts.
3. **Absence of Performance Issues:** Throughout their tenure, the appellants were never issued any warning or adverse remarks. They highlight that their work was consistently satisfactory, and there was no indication from the respondents that their performance was satisfactory or required improvement.
4. **Compliance with 'Uma Devi' Guidelines:** The appellants assert that their appointments were not "illegal" but at most "irregular." Drawing on the principles laid down in *Secretary, State of Karnataka vs. Uma Devi*⁴, they submit that long-serving employees in irregular appointments who fulfil essential, sanctioned functions are entitled to consideration for regularization.
5. **Discrimination in Regularization:** The appellants point out that individuals with fewer years of service or similar engagements have been regularized. They contend that denying them the same benefit, despite their longer service and crucial role, constitutes arbitrary and discriminatory treatment.
6. **Irrelevance of Educational Qualifications:** The appellants reject the respondents' reliance on formal educational requirements, noting that such criteria were never enforced earlier and that the nature of their work does not inherently demand formal schooling. They argue that retrospectively imposing such qualifications is unjustified given their proven capability over many years.
7. **Equity and Fairness:** Ultimately, the appellants submit that the High Court erred by focusing too rigidly on their initial terms of engagement and ignoring the substantive reality of their long, integral service. They maintain that fairness, equity, and established judicial principles call for their regularization rather than abrupt termination.

Arguments on behalf of the Respondents: The respondents have raised the following main arguments in their defence:

1. **Nature of Engagement:** The respondents submit that the appellants were engaged strictly on a part-time and contractual basis, for limited hours per day. Such engagement was purely temporary in nature and was never intended to be permanent or full-time employment. Consequently, no legal inference of

permanency can be drawn from such contractual arrangements.

2. **Absence of Sanctioned Posts:** It is contended that the appellants were not appointed against any sanctioned or permanent posts. In the absence of duly sanctioned vacancies, no direction for regularisation or absorption into regular service can be issued, as regularisation presupposes the existence of sanctioned posts.
3. **Non-Fulfilment of the Principles Laid Down in Uma Devi Judgment:** Placing reliance on the decision of the Supreme Court in *Secretary, State of Karnataka v. Uma Devi*, the respondents argue that the appellants do not satisfy the conditions required for regularisation. Mere continuation in service for a long period on a part-time or ad-hoc basis does not confer any enforceable right to regular appointment.
4. **Lack of Prescribed Educational Qualifications:** The respondents further submit that the appellants do not possess the minimum educational qualifications prescribed under the applicable recruitment rules for regular appointment. In the absence of such qualifications, the appellants are legally ineligible for absorption into regular service.
5. **Outsourcing as a Legitimate Policy Decision:** It is argued that the respondents have adopted a policy of outsourcing housekeeping and maintenance work to a private agency in order to ensure efficiency and administrative convenience. Such a policy decision falls within the domain of the executive and does not warranted judicial interference.
6. **No Fundamental Right to Regularisation:** Lastly, the respondents emphasize that regularisation is not a fundamental or vested right. Long or continuous engagement on a temporary, contractual, or part-time basis does not, by itself, create any legal entitlement to be regularised. The respondents therefore submit that the appellants claims are devoid of merit and that the High Court rightly dismissed the petition.

Judicial Interpretation of the Supreme Court: The Supreme Court adopted a pragmatic and equity-oriented approach while examining the claim for regularisation of long-serving contractual employees. The Court reasoned that where an employee has been engaged through a lawful process, has continuously discharged duties identical to those performed by regular employees, and the engagement has been extended repeatedly over a long period, the State cannot take shelter behind the label of “contractual employment” to deny substantive service benefits. The Court emphasized that prolonged contractualisation, particularly against sanctioned posts and for work of a perennial nature, amounts to arbitrariness and offends Articles 14 and 16 of the Constitution. It has held that such practice reflects an unfair labour policy and undermines the principles of equal pay, equal treatment, and dignity of labour. While reiterating that regularisation cannot be claimed as a matter of right in cases of illegal or backdoor appointments, the Court carved out an exception for cases where the initial appointment was not illegal, the employee

possessed the requisite qualifications, and the State itself continued the engagement for years together due to administrative necessity. The judgment thus balanced constitutional discipline in public employment with the demands of fairness, holding that the State, being a model employer, cannot perpetuate insecurity of service by exploiting contractual arrangements indefinitely, and in such circumstances, regularisation or an equivalent protective relief becomes a constitutional obligation rather than a discretionary concession. It is now well settled that the judgment in *Uma Devi* was never meant to punish employees who have worked for many years while performing essential and continuous duties required by the State or its authorities. The real purpose of that judgment was to stop illegal appointments made through backdoor methods, which bypass constitutional and statutory rules. However, where an employee’s appointment was not illegal, but only irregular, and where such employee has served continuously for a long period against work that is permanent in nature, the situation calls for a fair, just, and humane approach. When an employee has rendered long, uninterrupted, and blemish-free service while performing duties that are regularly required by the institution, the original temporary or ad-hoc nature of the appointment gradually loses relevance. In such cases, regularisation becomes a matter of fairness and equity.

Impact on Regularisation Jurisprudence of Contractual Employees: The decision in *Jaggo v. Union of India* occupies an important place in the historical evolution of Indian service jurisprudence on the regularisation of contractual employees. Historically, the Supreme Court of India adopted a cautious approach towards regularisation, emphasizing adherence to constitutional requirements of public employment under Articles 14 and 16, particularly open competition and equality of opportunity. In *Jaggo*, the Court reaffirmed that regularisation cannot be claimed as a matter of right merely on the basis of long or continuous contractual service, especially when the initial appointment was dehors the statutory rules or constitutional scheme. At the same time, the judgment reflected a nuanced judicial sensitivity to the realities of prolonged contractualisation by the State, acknowledging that exploitative or arbitrary continuation of employees on temporary or contractual basis undermines fairness in public administration. In the broader historical context, *Jaggo* reinforced the post-*Uma Devi* phase of jurisprudence, where the Court sought to draw a clear line between illegal appointments (which cannot be regularised) and irregular but otherwise lawful engagements (which may invite equitable consideration). Thus, the case contributed to consolidating a principle-driven framework, while protecting the sanctity of constitutional recruitment, it cautioned governments against perpetuating ad-hocism and contractual employment as a substitute for regular posts. In this sense, *Jaggo* strengthened the doctrinal balance between rule of law and social justice, shaping subsequent judicial discourse on regularisation by underscoring that systemic policy reform, not judicial fiat, is the appropriate route to address long-term contractual service in public employment.

Effects on the Contractual Employees

- **Reinforcement of the ‘Model Employer’ Doctrine:** The judgment clarified that contractual employees do not acquire an automatic right to regularisation merely

by long service however, they gain a right to fair, non-arbitrary consideration for regularisation where the engagement is long, continuous, and against perennial work. The judgment reaffirmed that the State cannot act as a private employer and must uphold fairness, equity, and constitutional morality while engaging contractual employees.

- **No Automatic Regularisation, but Fair Consideration Mandated:** While denying an absolute right to regularisation, the Court emphasized that long-serving contractual employees are entitled to fair and reasoned consideration for regularisation.
- **Recognition of Long & Continuous Service:** The judgment acknowledged that prolonged and uninterrupted contractual service, especially against perennial or recurring posts, cannot be ignored by the employer.
- **Curtailment of Exploitative Contractualisation:** Repeated renewals of short-term contracts for years were viewed as potentially exploitative, discouraging the State from perpetuating job insecurity.
- **Strengthening of Legitimate Expectation Doctrine:** Continuous engagement created a legitimate expectation that the employee would not be treated arbitrarily or replaced without justification.
- **Protection Against Arbitrary Termination:** The ruling limited the State's discretion to abruptly discontinue contractual employees who had served for a considerable duration.
- **Parity in Service Conditions:** Though not granting full regular status, the judgment supported claims for parity in pay and service benefits when contractual employees perform duties identical to regular staff.
- **Shift from Mechanical Reliance on Umadevi:** The Court adopted a balanced approach, moving away from rigid application of earlier precedents and focusing on factual realities and equity.
- **Administrative Accountability:** Authorities were compelled to justify why posts of permanent nature continued to be filled through contractual arrangements.
- **Encouragement of Policy Reforms:** The judgment nudged governments and public institutions to frame transparent and humane regularisation policies instead of ad-hoc contractual hiring.

Conclusion: The judgment in *Jaggo v. Union of India* reaffirms that the State, while exercising its power as an employer, is bound by the constitutional principles of equality, fairness, and non-arbitrariness enshrined under Article 14 of the Constitution of India. The Supreme Court made it clear that although regularisation is not an automatic or vested right, the State cannot continue to engage employees on a contractual basis for long years in an arbitrary and exploitative manner. Such conduct of the State amounts to unequal treatment and violates the guarantee of

equal protection of laws. The Court further emphasized that Article 16, which guarantees equality of opportunity in public employment, does not permit the State to deny fair consideration to employees who have rendered long, continuous, and satisfactory service against sanctioned posts. While safeguarding the requirement of recruitment through proper procedure, the Court held that the State cannot take advantage of its own wrong by continuing irregular or temporary appointments indefinitely and then denying relief to employees on technical grounds. In addition, the judgment aligns with the spirit of Article 21, which protects the right to livelihood and human dignity. Keeping employees in a constant state of insecurity for years together adversely affects their dignity, livelihood, and social security, which is inconsistent with the constitutional vision of a welfare State. The Court, therefore, underscored that public authorities must act as model employers and ensure fairness in employment practices.

In conclusion, *Jaggo v. Union of India* strikes a balance between strict adherence to recruitment rules and the demands of substantive justice. It does not dilute the law laid down against backdoor appointments but clearly holds that arbitrariness, prolonged contractualisation, and unfair treatment by the State are constitutionally impermissible. The judgment strengthens service jurisprudence by reiterating that denial of fair consideration for regularisation, after long and uninterrupted service, may itself amount to a violation of Articles 14, 16, and 21 of the Constitution of India, thereby calling for a humane, just, and reasonable approach by the State in matters of public employment.

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