



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 13055 OF 2025
(ARISING OUT OF SPECIAL LEAVE PETITION (CIVIL) NO. 28149 OF 2023)

RUPESH R. GAONKAR & ORS. ...APPELLANT(S)

VERSUS

STATE OF GOA & ORS. ...RESPONDENT(S)

J U D G M E N T

NONGMEIKAPAM KOTISWAR SINGH, J.

THE CHALLENGE

1. The present Civil Appeal, arising out of leave granted by this Court, has been preferred by Rupesh R. Gaonkar and other similarly situated persons (hereinafter referred to as “the appellants”), being aggrieved by the judgment and final order dated 28.07.2023 passed by a Division Bench of the High Court of Bombay at Goa in Writ Petition No. 95 of 2021, along with the

connected Writ Petition No. 147 of 2021. By the impugned judgment, the High Court declined to give effect to the order dated 07.02.2014 passed by the Principal Chief Engineer, Public Works Department (for short “PWD”), Government of Goa, which had granted the appellants temporary status and recognised their entitlement to be absorbed in the establishment of the PWD as and when vacancies arose. The High Court non-suited the appellants principally on the ground that the order dated 07.02.2014 suffered from the absence of the concurrence of the Government, and accordingly, dismissed both the writ petitions, while granting liberty to the appellants to participate in future selection processes, with sympathetic consideration of age relaxation.

2. The appellants are members of the PWD Labour Supply Society (“the Society”), a body constituted by the respondent-State itself, headed by the Principal Chief Engineer, PWD, with the specific and avowed object of putting an end to the exploitation of contract labour engaged in the PWD and ensuring the eventual regularisation of their services. It is the case of the appellants that despite the State having, over a period spanning more than a

decade, taken repeated and consistent steps towards their absorption, including the grant of “temporary status” with parity in pay and emoluments with regular employees, the State has now sought to resile from its own commitment on a purely technical and self-created ground, after having taken the benefit of the appellants’ labour for decades.

FACTUAL MATRIX

3. The appellants were originally engaged, between the years 1967 and 2003, as workmen belonging to the unskilled, semi-skilled, skilled and highly skilled categories, by private contractors executing works for the PWD of the Government of Goa. To obviate exploitation of such contract labour by intermediary contractors, the respondent-State constituted the PWD Labour Supply Society, a society which supplies requisite workers to establishments operated by the PWD and which is, significantly, headed by the Principal Chief Engineer of the PWD himself, a senior functionary of the State Government.

4. On 27.07.2012, the office of the Chief Minister resolved to formulate a policy for absorption of the members of the Society

into the establishments of the PWD. Pursuant thereto, a Committee was constituted to examine the eligibility of the members of the Society, which categorised them variously as Meter Readers, Work Assistants, Pump Attendants, Watchmen, Helper-Plumbers, Electricians, and the like. This exercise, undertaken at the instance of the State itself, necessarily involved scrutiny of the eligibility of the members for placement in the respective categories.

5. A note dated 04.09.2013 approved by the Finance Department and the Chief Minister, recommended, *inter alia*, a freeze on all direct recruitment in the PWD pending regularisation and absorption of the members of the Society, coupled with a stipulation that the Society would not recruit fresh members and would stand dissolved once all its members were regularised.

6. Notwithstanding the said recommendation, an advertisement dated 06.09.2013 was issued by the Principal Chief Engineer, PWD, inviting applications for direct recruitment to certain posts, an act that, as will be noticed, sits uneasily with the State's own contemporaneous resolve to first absorb the members of the Society.

7. On 04.12.2013, a proposal for the grant of “temporary status” to 1,399 members of the Society who had completed eight years of service as on 01.04.2013 was approved by the Minister for PWD as well as the Chief Minister.

8. In furtherance of the above, an order dated 07.02.2014 was issued by the Principal Chief Engineer, PWD/Additional Secretary to the Government, conveying that the Government had accorded sanction for the grant of temporary status to the members of the Society and that such workers would be entitled to absorption in the establishments of the PWD as and when vacancies arose and were available.

9. Significantly, the order dated 07.02.2014 was placed before the High Court of Bombay at Goa on 09.04.2014, in Writ Petition No. 307 of 2006 preferred by a Trade Union of which the appellants were members. On the basis of the said order and a categorical statement made by the then learned Advocate General for the State that the workers of the Society would be entitled to absorption in the establishments of the PWD as per the vacancies arising, on the terms of the order dated 07.02.2014, the said writ petition came to be disposed of.

10. Despite the aforesaid statement made before the High Court on behalf of the State, the respondents proceeded to issue fresh advertisements dated 16.10.2014 and 02.12.2014 for direct recruitment to posts in the PWD, without reference to the pending claims of the appellants for absorption.

11. On account of the continued failure of the State to regularise the members of the Society, the appellants, along with others, addressed a representation dated 23.11.2018 to the Chief Secretary, seeking regularisation of their services. By communication dated 30.11.2018, the Principal Chief Engineer, PWD, forwarded the said representation for consideration by the High-Level Empowered Committee (HLEC), constituted by the Government.

12. Apprehending that the State would proceed to fill available vacancies by way of direct recruitment, in derogation of the order dated 07.02.2014 (which was taken on record by the High Court on 09.04.2014), the appellants instituted Writ Petition No. 95 of 2021 before the High Court of Bombay at Goa on 09.02.2021, this being the first writ proceeding instituted by the appellants in their own, personal capacity (as distinct from the

earlier trade union proceeding of 2006). It was specifically averred therein that the appellants fulfilled all the requisite criteria and qualifications for the posts in question and, having worked for periods extending up to seventeen years and beyond, possessed the requisite experience to discharge the duties of such posts.

13. The respondents filed their reply dated 12.08.2021 resisting the writ petition principally on the grounds that the order dated 07.02.2014 had not received the requisite sanction of the Government for regularization; that the appellants, being members of a Society registered under the Societies Registration Act, 1860, were not Government employees and could claim no right of absorption; that no sanctioned posts existed against which the appellants could be absorbed; and that the decision of this Court in ***State of Karnataka v. Umadevi (3)***¹ precluded the grant of such relief. The appellants filed their rejoinder on 25.08.2021, controverting the aforesaid contentions.

14. By the impugned judgment dated 28.07.2023, the High Court dismissed both the writ petitions. The material findings of the High Court, in brief, were that: the initial engagement of the

¹ (2006) 4 SCC 1.

appellants through the contractors and thereafter in the Society was without following due process and was, therefore, not merely irregular but illegal; the grant of temporary status together with parity in pay and emoluments demonstrated that, save for regularisation, the appellants were treated at par with their counterparts in the regular establishment, but this did not by itself entitle them to regularisation; the prayer for creation of posts to accommodate the appellants could not be countenanced as being contrary to the constitutional scheme; and the statement of the learned Advocate General in the earlier writ proceedings, being founded only on file notings which never culminated into a formal Government order issued in accordance with law, could not bind the State. The High Court accordingly dismissed both the petitions while granting liberty to the appellants to participate in future selection processes, subject to eligibility, with sympathetic consideration for age relaxation.

15. Aggrieved thereby, the appellants preferred Special Leave Petition (Civil) No. 28149 of 2023 before this Court. Leave was granted on 28.10.2025, and the appeal was renumbered as Civil Appeal No. 13055 of 2025. We have heard learned counsel for the

appellants and learned counsel for the respondent-State at length.

SUBMISSIONS ON BEHALF OF THE APPELLANTS

16. Learned senior counsel appearing for the appellants advanced submissions which may be summarised, *inter alia*, as follows:

Firstly, it was submitted that the PWD Labour Supply Society was itself a creature of the State, constituted with the specific object of preventing exploitation of contract labour and ensuring its eventual regularisation; that the Society was headed by no less a functionary than the Principal Chief Engineer, PWD; and that this very constitution of the Society was demonstrative of a clear and abiding intention on the part of the State to absorb its members in due course.

Secondly, the order dated 07.02.2014 was not a stand-alone or unauthorised act, and had received the imprimatur of the High Court itself in its order dated 09.04.2014 in Writ Petition No. 307 of 2006, on the basis

of a categorical statement made by the State's own Advocate General.

Thirdly, relying upon **T.R. Dhananjaya v. J. Vasudevan**², it was submitted that the State could not, years later, be permitted to truncate or resile from a solemn statement made through its Advocate General before a Constitutional Court, merely by raising a technical defect never disclosed to the appellants at the relevant time.

Fourthly, the High Court's reliance on **Umadevi** (supra) was misplaced, since this Court has, in **State of J&K v. Distt. Bar Assn., Bandipora**³, clarified that **Umadevi** (supra) does not denude the State of the power to frame a scheme for regularisation, and has, in **Sheo Narain Nagar v. State of U.P.**⁴, deprecated the practice of States mechanically invoking **Umadevi** (supra) to deny regularisation to workmen.

² (1995) 5 SCC 619.

³ (2017) 3 SCC 410.

⁴ (2018) 13 SCC 432.

Fifthly, it was clarified that the appellants did not rest their claim on the doctrine of legitimate expectation *simpliciter*, but on a concrete policy decision and scheme of regularisation formulated by the State itself, a distinction recognised by this Court in *Distt. Bar Assn., Bandipora* (supra) as taking a claim outside the strict rigour of **Umadevi** (supra).

Sixthly, the High Court's own finding, at paragraph 53 of the impugned judgment, that the appellants were "considered at par with their counterparts working in the regular establishment", was itself a finding of qualification and suitability, and could not simultaneously coexist with a finding that the appellants were unfit for regularisation.

Lastly, the appellants had, by the time of filing of the writ petition, rendered continuous and unbroken service extending up to twenty years and more, performing duties indistinguishable from those of regular employees of the PWD; more than a decade had elapsed since the grant of temporary status in 2014.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

17. Per contra, learned counsel appearing for the respondent-State resisted the appeal on the following grounds:

Firstly, reliance was placed on the binding Constitution Bench decision in **Umadevi** (supra), to submit that regularisation of appointments made without following the process of open, merit-based recruitment mandated by Articles 14 and 16 of the Constitution, and not against duly sanctioned posts, was impermissible. It was further submitted that paragraph 53 of Umadevi contemplated, as a one-time measure, only the regularisation of irregular (and not illegal) appointments of duly qualified persons made against duly sanctioned posts, and that the appellants' case did not fall within that limited exception.

Secondly, it was submitted that the appellants were never government employees; they were engaged by and were members of the Society, a body registered under the Societies Registration Act, 1860, and no direct

relationship of employer and employee ever came into existence between the appellants and the State.

Thirdly, the order dated 07.02.2014 was, on the respondents' own showing, issued without the concurrence of the Finance Department and without the approval of the Chief Minister and the Minister-in-Charge for PWD as contemplated under Article 166 of the Constitution, and was consequently not a valid or binding decision of the Government.

Fourthly, relying upon **Uptron India Ltd. v. Shammi Bhan**⁵, it was submitted that a wrong concession made by counsel, including the Advocate General, on a question of law, is not binding on the State.

Fifthly, placing reliance upon **Union of India v. Ilmo Devi**⁶, it was pleaded that the relief sought in the writ petition, i.e., the creation of posts, is ex facie untenable being in contravention of Art. 309.

⁵ (1998) 6 SCC 538.

⁶ (2021) 20 SCC 290.

Sixthly, it was submitted that as many as 291 members of the Society approached this Hon'ble Court, and that the creation of posts to accommodate such a large body of contractual workers would set an unsustainable precedent, impose an unbearable administrative and financial burden upon the State, and open the floodgates to similar claims by thousands of contractual and temporary workers across the State, a consequence expressly cautioned against in **Umadevi** (supra).

Seventhly, regularisation, it was submitted, could only take place against sanctioned vacant posts and by following the applicable recruitment rules, and since the appellants were never appointed against any sanctioned post, they were ineligible for regularisation.

Lastly, reliance was placed on **Official Liquidator v. Dayanand**⁷ to submit that continued invocation of the theory of legitimate expectation by temporary employees

⁷ (2008) 10 SCC 1.

undermines the established legal framework set forth in
Umadevi.

ANALYSIS

18. We have given our anxious and careful consideration to the submissions advanced on both sides, and have perused the record placed before us, including the Cabinet notes, the order dated 07.02.2014, the order dated 09.04.2014 passed in Writ Petition No. 307 of 2006, and the impugned judgment.

19. At the very outset, it is necessary to observe that the PWD Labour Supply Society is not an ordinary or private labour contractor's arrangement with which the State has only an incidental or arm's-length connection. It is a body constituted by the State itself, headed by the Principal Chief Engineer of the PWD, a senior government functionary, and was brought into being for the specific and declared purpose of ending the exploitation of contract workers and ensuring that their services would, in due course, be regularised. The very existence and design of the Society is, in our view, the clearest possible index of governmental intention. A State does not ordinarily constitute an

entire institutional apparatus, headed by its own senior officer, merely to perpetuate a class of workers in permanent temporariness; it does so to formalise, and to work towards the regularisation of, a body of labour whose services it requires and fully utilized.

20. It is also pertinent to note that it is not the case of the respondent-State that the appellants were employees of an independent non-governmental organisation, or that the Public Works Department had merely outsourced its work to such an entity. The consistent stand of the State has been that the appellants were initially engaged through private contractors and thereafter continued to work through the PWD Labour Supply Society. Throughout, the appellants rendered services for the Public Works Department. The real controversy, therefore, is not whether the State derived the benefit of their services, but whether, after availing those services continuously over a long period and thereafter conferring temporary status upon them, the State can legitimately deny them consideration for absorption in accordance with its own policy decisions.

21. The intention of the State, in matters such as the present, is not to be gathered from any single document read in isolation, but from the totality of its conduct over a sustained period of time. Viewed thus, the decisions of 27.07.2012 and 04.12.2013, the constitution of a Committee to categorise and assess the suitability of the members of the Society, the freeze recommended on direct recruitment pending regularisation, grant of temporary status with parity of pay and emoluments as on 01.04.2013, and, finally, the order dated 07.02.2014 recording the Government's sanction and the entitlement of the members to absorption as and when vacancies arise, each of these steps, taken cumulatively, permits of only one reasonable inference that the State intended, and continues to require, the services of the appellants and also to confer benefits. This act of the State does not indicate that at any stage before the matter reached the High Court, the State did not intend to or take away conscious decision as to regularise their services.

22. Once the State has taken the definite and considered step of conferring "temporary status" upon a class of workers, with equal pay for equal work, and parity with regular employees

in other emoluments, the only logical conclusion that can follow is that the State itself regarded the services of such workers as necessary, and their work as equivalent in value and quality to that rendered by its regular employees. Temporary status, so conferred after a structured administrative exercise involving Cabinet decisions, categorisation, and assessment of suitability, is not to be treated as an empty administrative label devoid of legal consequence. It is the outward manifestation of the State's own considered intention to absorb the workers.

23. We are conscious of the well-settled position that the doctrine of promissory estoppel cannot be invoked to compel the State to act in violation of a statute or of the constitutional discipline, and that even the celebrated enunciation of the doctrine in *M/s. Motilal Padampat Sugar Mills Co. Ltd. v. State of U.P.*⁸ cannot be pressed so far as to override an express statutory or constitutional bar. To that extent, we are unable to accept the submission that promissory estoppel, in its strict contractual sense, can by itself found a claim for regularisation contrary to Articles 14 and 16.

⁸ (1979) 2 SCC 409.

24. That, however, does not conclude the matter against the appellants. The unavailability of strict promissory estoppel is not the end of the equitable enquiry in a case of this description. This is a welfare State, and a welfare State that has, for decades, in some cases since the 1960s, and at the very least since the grant of temporary status in 2014 taken the benefit of the labour, skill, and continuous attendance of the appellants, cannot in fairness and good conscience now cast them aside on the strength of an internal file infirmity of its own creation, an infirmity that was never disclosed to the appellants at the time the order dated 07.02.2014 was passed, acted upon, and placed before the High Court itself. It would be a travesty of justice, and inconsistent with the very idea of the State as a model employer, to permit the State to approbate the benefit of long, uninterrupted service and simultaneously reprobate the commitment that induced and sustained that very service.

25. The grant of temporary status in the year 2014 is, in our view, itself the surest indicator that the services of the appellants were, and continue to be, required by the State. More than a decade has since elapsed. During this period, the appellants have

continued to render service in the establishments of the PWD, discharging duties indistinguishable from those performed by regularly appointed employees. It would, in these circumstances, be manifestly unfair to deny the appellants the benefit of regularisation at this distance of time, on the ground that their initial engagement suffered from some procedural infirmity for which they bore no responsibility whatsoever.

26. It requires to be emphasised that the appellants are not persons possessing rare or highly specialised skills who might, without undue difficulty, seek and obtain alternative avenues of livelihood, or who could realistically be expected to compete afresh, at this stage of their working lives, in an open and general selection. They are workers drawn predominantly from the unskilled, semi-skilled and skilled categories, engaged on a contractual basis by the State's own instrumentality, who have rendered long and continuous service, several of them for well over a decade and a half, and some for periods extending over decades. To deny regularisation to such workers, after having taken the benefit of their labour for so long, is itself symptomatic

of the very exploitation that the Society was constituted to prevent, and cannot be countenanced by a constitutional court.

27. We may now turn to the jurisprudence surrounding ***Umadevi*** (supra), upon which the High Court, and learned counsel for the respondent-State, have placed considerable reliance. It is true that the Constitution Bench in ***Umadevi*** (supra) struck a necessary balance between the constitutional guarantee of equality of opportunity in public employment under Articles 14 and 16, and the practice of backdoor entry into public service through irregular and, at times, illegal appointments, on the other. But this Court has, in the years since, repeatedly cautioned against the mechanical and formulaic invocation of ***Umadevi*** (supra) to defeat the legitimate claims of long-serving employees performing essential and perennial duties.

28. In ***Distt. Bar Assn., Bandipora*** (supra)⁹, this Court has held in terms that ***Umadevi*** (supra) does not denude the State or its instrumentalities from framing a scheme for regularisation. Consequently, it is not authority for the proposition that the executive cannot frame a policy of regularisation for its long-

⁹ para 11.

serving temporary employees. In ***Sheo Narain Nagar*** (supra), this Court deprecated the practice of States denying long-serving workmen the benefit of regularisation by taking recourse to a mechanical reading of ***Umadevi*** (supra).

29. More recently, this Court, in ***Jaggo v. Union of India***¹⁰, underscored whether the duties performed by long-serving temporary employees are integral to the day-to-day functioning of the organisation concerned, clarifying that ***Umadevi*** (supra) was directed against illegal backdoor appointments, and was never intended to penalise employees who, though irregularly engaged, have rendered long service in essential, perennial roles. This Court has further, in ***Vinod Kumar v. Union of India***¹¹ and ***Shripal v. Nagar Nigam, Ghaziabad***¹², cautioned against a mechanical and blind reliance on *Umadevi* (supra) to deny regularisation to temporary employees, holding that ***Umadevi*** (supra) cannot be employed as a shield to legitimise exploitative engagements continued for years together without the employer undertaking legitimate recruitment. This body of precedent,

¹⁰ 2024 SCC OnLine SC 3826.

¹¹ (2024) 9 SCC 327.

¹² 2025 SCC OnLine SC 221.

distinguishing and refining **Umadevi** (supra) rather than displacing it, squarely governs the facts of the present case. In

Shripal v. Nagar Nigam¹³, this Court has held as follows:

“14. The Respondent Employer places reliance on Umadevi (supra) to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, Uma Devi itself distinguishes between appointments that are “illegal” and those that are “irregular,” the latter being eligible for regularization if they meet certain conditions. More importantly, Uma Devi cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment. Given the record which shows no true contractor-based arrangement and a consistent need for permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

15. It is manifest that the Appellant Workmen continuously rendered their services over several years, sometimes spanning more than a decade. Even if certain muster rolls were not produced in full, the Employer's failure to furnish such records—despite directions to do so—allows an adverse inference under well-established labour jurisprudence. Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfil ongoing municipal requirements year after year cannot be dismissed summarily as dispensable, particularly in the absence of a genuine contractor agreement. At this juncture, it would be appropriate to recall the broader critique of indefinite “temporary” employment practices as done by a recent judgment of this court in Jaggo v. Union of India³ in the following paragraphs:

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment

¹³ 2025 SCC OnLine SC 221

arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:

- *Misuse of “Temporary” Labels:* Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as “temporary” or “contractual,” even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

- *Arbitrary Termination:* Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

- *Lack of Career Progression:* Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

- *Using Outsourcing as a Shield:* Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of

exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

• Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.”

30. Tested on the touchstone of this line of authority, the present is manifestly a case falling within, and not outside, the one-time measure contemplated by paragraph 53 of ***Umadevi*** (supra) itself, which recognises that irregular, as distinct from illegal appointments of duly qualified persons, continued for ten years or more without the intervention of any court order, may be regularised on a one-time basis. The appellants' engagement was not the product of a clandestine or illegal backdoor entry; it was the outcome of a structured process, constitution of a Society by the State, a Cabinet-approved categorisation exercise, and the grant of temporary status undertaken by the State itself, with full knowledge and active participation of its highest executive authorities, including the Chief Minister and the concerned Minister.

31. In view of the above, we find that the High Court fell into error in treating the appellants' engagement as vitiated at the threshold for want of due process while, in the very same breath, observing in paragraph 53 of the impugned judgment that, save for regularisation, the appellants had been treated at par with their counterparts in the regular establishment by the grant of temporary status together with parity in pay and emoluments. These two findings sit uneasily with one another. The grant of temporary status was preceded by a process of scrutiny and categorisation undertaken at the instance of the State itself, and reflects a conscious governmental decision that the appellants should continue to discharge the functions assigned to the respective posts. It also demonstrates that the State did not regard the appellants as lacking the requisite eligibility to continue in service. In such circumstances, the principal irregularity, if any, lay in the manner of their initial engagement rather than in any subsequent recognition of their utility or eligibility by the State. It is this distinction that paragraph 53 of *Umadevi* (supra) requires the Court to keep in view while considering claims for one-time regularisation.

32. As regards the plea that the order dated 07.02.2014 lacked the concurrence of the Finance Department and the requisite approvals under the Rules of Business, we are of the view that this objection, even assuming it exists, is not available to the respondent-State at this belated stage. The said order was placed before the High Court on 09.04.2014 and formed the basis on which Writ Petition No. 307 of 2006 came to be disposed of upon the statement made by the learned Advocate General. Thereafter, the State continued to avail itself of the services of the appellants, extended to them temporary status and even forwarded their representation dated 23.11.2018 for consideration by the High-Level Empowered Committee by communication dated 30.11.2018, without raising the objection that the order dated 07.02.2014 lacked the requisite concurrence or approval. In these circumstances, the State cannot now be permitted to rely upon its own alleged procedural deficiency to defeat the legitimate expectation generated by its consistent conduct over a prolonged period. Such a course is inconsistent with the obligation of the State to act as a model employer, a principle repeatedly emphasised by this Court.

33. We are equally unable to accept the submission that the oral concession of the learned Advocate General in the 2006 proceedings can simply be brushed aside as an incorrect concession on a question of law not binding on the State, within the meaning of ***Uptron India Ltd. v. Shammi Bhan*** (supra). The Advocate General did not merely concede a proposition of law; he placed before the Court, and relied upon, an executive order dated 07.02.2014 that had itself emerged from a structured and approved process. The statement was thus one of fact and executive policy, not a bare concession on a contested question of law, and the principle in ***Uptron India Ltd.*** (supra) has no application to such a case.

34. The apprehension voiced on behalf of the State, that regularising the appellants would open the floodgates to similar claims by other contractual workers across the State cannot by itself defeat a case that is otherwise made out on facts, particularly where, as here, relief is confined strictly to the appellants before this Court and is not extended as a matter of general policy to workers who are not parties to these proceedings. The floodgates concern in ***Umadevi*** (supra) was addressed to the

indiscriminate regularisation of illegal appointments at large; it was never intended to shut the door on a case-specific, one-time measure confined to identified and named claimants whose facts have been fully examined by the Court.

35. For all the foregoing reasons, we are of the considered opinion that the appellants have made out a case for regularisation of their services in the establishment of the PWD, Government of Goa, and that the impugned judgment of the High Court, insofar as it declines such relief, warrants interference.

CONCLUSION

36. In the result and for the foregoing reasons, the appeal is allowed, and we direct as follows:

(i) The judgment and final order dated 28.07.2023 passed by the High Court of Bombay at Goa in Writ Petition No. 95 of 2021, along with the connected Writ Petition No. 147 of 2021, is set aside.

(ii) The appellants are held entitled to regularisation of their services in the establishment of the Public Works Department, Government of Goa, in

the posts/categories to which they were assigned pursuant to the categorisation exercise undertaken by the State in 2013 and given temporary status.

(iii) The respondent-State shall, within a period of four months from today, frame an appropriate scheme to give effect to the regularisation directed herein. The scheme so framed shall be strictly limited to, and shall enure only for the benefit of, the members of the society who were members of the society at the time of institution of the writ petition, WP(C) No. 95 of 2001 on 09.02.2021, and shall not be treated as a precedent for, or extended to, any other worker who were not members of the society on the date of the filing of the writ petition on 09.02.2021.

(iv) In the event sufficient sanctioned vacant posts are not presently available to accommodate all the appellants/workers as mentioned above, the respondent-State shall create supernumerary posts, on a one-to-one basis, to the extent necessary to absorb the appellants/workers. Such supernumerary posts shall

be personal to the appellants concerned, shall stand automatically abolished upon the retirement, resignation, death or cessation of service of the incumbent appellant/workers, and shall not enure for the benefit of any successor or be treated as a sanctioned addition to the regular cadre strength for any other purpose.

(v) The appellants/workers shall be deemed to have been regularised in service with effect from 09.02.2021, being the date of institution of Writ Petition No. 95 of 2021, the first writ proceeding instituted by the appellants/workers in their own right, and shall be entitled to all consequential and attendant benefits of regularisation, including seniority and pensionary and retiral benefits, reckoned with effect from the said date.

(vi) Notwithstanding clause (v) above, monetary arrears of pay and allowances consequent upon such regularisation shall not be payable for any period prior to the date of this judgment.

37. The appeal is allowed in the above terms. Pending applications, if any, shall stand disposed of.

.....J.
(SANJAY KAROL)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

**NEW DELHI;
AUGUST 04, 2026.**