



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 11021 of 2024
Reserved on 13.11.2025.
Date of decision: 09.01.2026.

Yug Raj Thakur and Ors. ...Petitioners.

Versus

Satluj Jal Vidyut Nigam Limited and Ors. ...Respondents.

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.
Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting? ¹ Yes

For the Petitioners.	Mr. Neeraj Gupta, Senior Advocate, with Mr. Shubham Sood, Advocate.
For the Respondents:	Mr. Anup Rattan, Senior Advocate, with Mr. Anil Kumar, Advocate, for respondent No. 1.
	Mr. Shrawan Dogra, Senior Advocate, with Mr. Sunny Rawat, Advocate, for respondents No. 2 to 99.
	Mr. K.D. Shreedhar, Senior Advocate, with Ms. Sneh Bhimta, Advocate, for respondents No. 100 to 134

¹ Whether the reporters of the local papers may be allowed to see the judgment? Yes

Vivek Singh Thakur, Judge

Petitioners, working under Supervisor Category with respondent No. 1-Satluj Jal Vidyut Nigam Limited (in short 'SJVNL'), have approached this Court, invoking jurisdiction under Article 226 of Constitution of India, being aggrieved by issuance of Corporate HR Circular No. 882/2023, dated 29.08.2023 (Annexure P-6) and Corporate HR Circular No. 912/2024, dated 21.05.2024 (Annexure P-7), directing permanent absorption/regularization of Fixed Tenure Appointees (FTA's) at a higher level than the petitioners, claiming it to be contrary to statute and Fixed Term Appointment Scheme (FTA Scheme) (Annexure P-5), as well as recruitment advertisement for engagement of FTA's, i.e., Advertisement No. 95 of 2021 and Advertisement No. 105 of 2022 [Annexure P-4 (Colly)], issued by the SJVNL. Substantial relief prayed by the petitioners, reads as under:-

- "A. That a writ of Certiorari or any other appropriate writ order or direction may kindly be issued for quashing and setting aside Corporate HR Circular dated 29.08.2023, contained in Annexure P-6 and Corporate HR Circular dated 21.05.2024, contained in Annexure P-7 and all further and consequential actions/office orders issued in furtherance of Annexures P-6 and P-7, including the office order dated 10.09.2024 contained in Annexure P-8."

2. Facts emerged from pleadings of the parties and documents filed therewith, including petition, applications, replies to petition and

applications and rejoinder thereto, are that respondent No. 1-SJVNL is a joint venture of Government of India and Government of Himachal Pradesh, which has laid Horizontal and Vertical Growth and Diversification plans and is developing itself into a fully diversified transnational power company in all types of conventional and non-conventional forms of energy and in Power Transmission and for functioning of the company, recruitment in SJVNL, are made on four levels, namely Unskilled Workmen (W1 to W2), Skilled Workman (W3 to W6), Supervisors (S0 to S4) and Executives (E1 to E8).

3. Petitioners are serving as Supervisors in S1 and S2 stage. They were engaged in the SJVNL, following the procedure prescribed in Direct Recruitment Procedure Manual, formulated and adopted by the SJVNL. Petitioner No. 1 was appointed as Junior Engineer on 27.02.2019, whereas petitioners No. 2 to 7 were appointed on 10.01.2019, whereas petitioner No. 8 was appointed on 28.03.2007 under Workmen Skilled Category and she has reached in the supervised category, among other petitioners. Petitioners No. 1 to 7 were appointed vide advertisement No. 83/2018 (Annexure P-1), dated 30.07.2018 as Junior Engineers and Junior Officers. Petitioners No. 1 to 7 are working as supervisors S2 level and petitioner No. 8 is working as supervisor S1 level. Petitioners are degree holders in their respective fields and some of

them possess higher qualification of MBA and they are eligible to be considered for promotion and/or appointment in Executive Category of the employees of SJVNL. All of them were appointed after undergoing prescribed recruitment process, as per rules for regular appointment.

4. Respondent Nos. 2 to 99 are Fixed Tenure Appointees (FTA's) appointed, vide Advertisement No. 105 of 2022 [Annexure P-4 (Colly)]. Respondent Nos. 100 to 134 are amongst the Fixed Appointees, appointed in pursuance to Advertisement No. 105 of 2022 [Annexure P-4 (Colly)]. Private respondents No. 2 to 134 were appointed on Fixed Tenure Basis, as per Scheme for Engagement on Fixed Tenure Basis (Annexure P-5). In pursuance to Advertisement Nos. 94 of 2021, 95 of 2021, 96 of 2021 and 97 of 2021, in various disciplines of respondent-SJVNL, i.e., Engineering, HR, Finance & Accounts, Official Language, all of them were selected and appointed as FTA's directly at E0 and E2 levels (Executives), in various disciplines, based upon eligibility criteria on experience and educational qualification and after clearing the selection process, notified in the advertisement.

5. Promotion of Supervisors is governed on Promotion Policy of Supervisors (Annexure P-3), wherein Clause 4.1 provides that promotion of supervisors to positions in next higher grades, i.e., S0 to S1, S1 to S2, S3 to S4, S4 to E2 on the principle of merit cum seniority.

Clause 4.2 further provides that from S-3 level, an employee can be directly promoted from Supervisory Category to Executive Category, subject to possessing prescribed and recognized qualification for executive posts. Clause 4.5 of the Policy provides that 33% vacancies shall be reserved for direct promotion from amongst employees working as regular supervisors at S3 level, as provided in clause 4.2. Clause 5 provides minimum length of service prescribed for eligibility for consideration for promotion to next higher grade. The eligibility period for supervisors possessing prescribed and recognized qualification for next higher grade is 4 years and those who do not possess such qualification, is 5 years. Promotion from one group to another, as per Policy is based on marks obtained by the candidate and Performance Appraisal Rating, as provided under Clause 7, grades service points and departmental exam followed by Departmental Promotion Committee and promotion will be ranked in order of merit.

6. In terms of provision of Promotion Policy of supervisors, petitioners, who are currently working at S2 and S1 level, shall reach in the next level, i.e., S2/S3 level, after completion of service about 4-5 years and from S3 level to E2 level, if are educationally qualified for such direct promotion, will be eligible to be considered after further 4-5 years,

i.e., about 8 to 10 years, and as such, they would be eligible for E2 posts in the year 2035 or thereafter. All private respondents are at E2 level. ◇

7. From information placed on record by SJVNL, vide communication dated 01.09.2025, during pendency of the petition, it appears that sanctioned strength into the E2-E4 cluster is 656 employees and as on date, 309 employees are in position in this cluster. 106 Fixed Terms Appointees (FTAs) have been or are due for regularization in terms of Regularization Policy, whereas additional 114 posts have been or likely to be filled through fresh appointments, initiated in the year 2025, and as such, 127 posts are anticipated to be vacant. It has also been communicated that 8 posts shall be kept vacant to ensure their availability for petitioners, as and when they become eligible for promotion.

8. It has also been informed that during pendency of the present petition, process for recruitment as Executive Trainees in SJVNL, was initiated vide advertisement No. 122 of 2025, and none of petitioners who had applied and participated in the said process, having requisite eligibility qualification and other criteria, however, could qualify for consideration to be selected as Executive Trainee E-2.

9. As part of Human Resource Management Manual, "Scheme for Engagement on Fixed Tenure Basis", was formulated by SJVNL, relevant provisions whereof referred by the parties, are as under:-

SCHEME FOR ENGAGEMENT ON FIXED TENURE BASIS**“1. INTRODUCTION :**

To accomplish long-term vision, necessitates Manpower availability at the right time, in right number and with right skills; that the nature and extent of Manpower requirement changes at different times during the construction and Operational life cycle of the Project. Further Recruitment of Group C&D employees have to be made on State/regional basis and their redeployment on completion of Project becomes a challenge.

In order to avoid above issues, many PSUs are engaging manpower on fixed tenure basis as per the requirement of specific Projects besides regular recruitment. It is essential for SJVN to similarly engage Manpower on fixed tenure basis to meet short term project specific impending requirements and skill specific needs at times also to support office functioning, besides regular recruitment in SJVN.

2. OBJECTIVE:

- (i) Availability of Manpower for urgent requirements at the right time and in right number.
- (ii) Ensuring optimum and effective utilization of Manpower.
- (iii) To reduce Project/O&M cost in National interest and to provide competitive edge to ensure development and growth of the organization.
- (iv) To avoid the problem of surplus manpower as the requirement of Manpower varies in terms of numbers and required skill set at different times during the life cycle of the Project.

3. SCOPE:

Manpower will be engaged on Fixed Tenure basis for services which require deployment due to compelling work requirements for execution of Projects and operation and maintenance of commissioned Projects.

Manpower shall be engaged against specific job description and designation in following categories:

- (i) Unskilled Workmen (e.g. Office Boy)
- (ii) Skilled Workmen (e.g. Office Assistant/Cook cum housekeeper/Cabbie)
- (iii) Supervisor (e.g. Field Supervisor/Officer)
- (iv) Executive (e.g. Field Engineer/Officer)

....

13. TENURE AND TERMINATION OF CONTRACT:

- (a) FTA will be engaged on fixed tenure basis for period of 3 years which can be extended on yearly basis for 2 more years depending upon the work requirement of the nature of work for which they have been engaged. Engagement will terminate automatically on completion of tenure, if no further extension is allowed.
- (b) Services during the tenure of engagement will be purely on temporary basis. Contract is liable to be terminated in case performance or conduct is not found satisfactory.
- (c) FTA shall have no vested right to claim for regularization or permanent absorption during the period of engagement and thereafter, on account of rendering service on fixed tenure basis in SJVN.

14. AGREEMENT :

FTA shall have to enter into a service agreement with SJVN as per the prescribed proforma. Service Agreement can be terminated at any time without assigning any reason or if any discrepancy comes to the notice at a later stage.

....

16. GENERAL:

- a) Any clarification or any doubt or removal of inconsistencies may be referred to the Corporate HR Division and the decision of CMD shall be final and binding.

- b) CMD may at any time depending upon the requirement of the company modify/amend/delete/add and/or alter any of the provisions of the scheme, in the overall interest of the company.”

10 In terms of the aforesaid Scheme, advertisement Nos. 95 of 2021 and 105 of 2022 for appointment at various levels for a Fixed Tenure, was issued and recruitments were made and private respondents are FTAs, appointed in pursuance to the said process.

11. On 29.08.2023, SJVNL issued a Corporate HR Circular No. 882 of 2023 (Annexure P-6), introducing a Policy for regularization of FTAs with following object:

CORPORATE HR CIRCULAR No. 882/2023

“Subject: Policy for regularization of fixed tenure appointees (FTAs)

“Scheme for Engagement of Manpower on Fixed Tenure Basis against compelling work Requirement” has been implemented in SJVN to meet emergent Manpower requirement for timely execution of diversified projects in its portfolio on account of exponential Business Expansion. To retain the trained & experienced manpower, appointed under the aforesaid scheme, so that proven talent be meaningfully utilized in SJVN's growth within optimum cost, Board in its 308th meeting held on 22.07.2023 has approved the “Policy for regularization of fixed tenure appointees (FTAs)” as annexed.

This issues with the approval of Competent Authority. “

12. The aforesaid Policy was made applicable to Fixed FTAs recruited under the Scheme to engagement on Fixed Tenure Basis

against compelling work requirements, on completion of 3 years service on contract basis.

13. Vide Corporate HR Circular No. 912/2024 (Annexure P-7), policy for regularization was modified by reducing eligibility period from 3 to 2 years, deleting the quota for regularization, but providing that all eligible Fixed Tenure Appointees will be considered for regularization on merit, subject to availability of vacancy. 2 parameters, i.e., regularization exam and assessment centre were dispensed with and revised parameters were notified, providing 70 marks in Aggregate Score of PMS Rating and 30 marks to be awarded by the Regularization Committee.

14. Vide Office Order dated 10.09.2024, date of regularization interview of FTA's was notified as 30.09.2024.

15. In aforesaid backdrop, petitioners have filed present writ petition for redressal of their 'personal grievance' that regularization of private respondents against the post of Field Officers and Field Engineers, would have adverse impact upon the right and interest of the petitioners, as they would be regularized above the petitioners in the Executive Category, despite the fact that the petitioners are possessing the same qualification and appointed much earlier than the FTAs, allowing the FTAs to march over the petitioners, despite having

considerably less length of service/experience, leading to significant career stagnation, affecting future career prospects of petitioners. ◇

16. It has been categorically stated in petition that Junior Field Officers and Junior Field Engineers may be regularized under the Supervisor Category, who would be below the petitioners, but regularization of FTAs in the Executive Category, is pinching the petitioners.

17. It is contended on behalf of petitioners that the regularization of FTAs is against the Scheme for Appointment of FTAs and contrary to objectives of the said Scheme, and in case SJVNL intended to engage permanent manpower, it should have resorted to regular selection process for regular post instead of FTA Fixed Tenure Appointment without element of permanency, as Fixed Tenure Appointments, are made to tie over the emergent exigencies and, therefore, giving them permanent character, not only is contrary to the Scheme, but violative of Articles 14, 16 and 21 of Constitution of India, as well as settled law of the land.

18. It has been contended that in the Scheme for appointment of Fixed Tenure Basis, it was expressly stated that FTAs will be engaged on Fixed Tenure Basis for a period of 3 years which can be extended on yearly basis for 2 more years depending upon the working requirement of

the nature of the work, for which they had been engaged and after completion of Tenure, if no further extension is allowed, the engagement will terminate automatically and the service of FTA was and are purely on temporary basis, which is liable to be terminated, in case performance and conduct is not found satisfactory and FTA, shall have no vested right to claim for regularization of permanent absorption during the period of engagement and, thereafter, on account of rendering service on Fixed Tenure Basis in SJVNL.

19. It has been submitted that in view of the aforesaid conditions, petitioners, who were regularly appointed with SJVNL, were indirectly inhibited from applying to the post, advertised to be filled as FTA, as there was no occasion for the petitioners to join a temporary post, despite having been appointed on regular basis with possibility of likely to be promoted to the same post of Executive Category on regular basis. It has been contended that in case of advertisement of possibility of regularization, petitioners would have also applied being eligible and qualified and thus, for depriving the petitioners from applying for the post, but now by extending benefit of regularization to appointees through the said process, petitioners are entitled to file present writ petition.

20. It has been contended that there is no power and scope with the SJVNL to regularize the FTAs by formulating Regularization Policy,

contrary to terms and conditions of the Scheme, without amending the very Scheme itself firstly and, therefore, it has been contended that Office Circulars (Annexures P-6 and P-7), running contrary to the very Scheme of engaging Fixed Tenure Appointments, deserve to be quashed and set-aside.

21. To substantiate the plea, learned counsel for the petitioners has placed reliance on judgment of the Apex Court in ***State of Haryana and Others vs. Piara Singh and Others, reported in (1992) 4 Supreme Court Cases 118***, specially para 45 thereof, which reads as under:-

“The normal rule, of course, is regular recruitment through the prescribed agency but exigencies of administration may sometimes call for an adhoc or temporary appointment to be made. In such a situation, effort should always be to replace such an adhoc/temporary employee by a regularly selected employee as early as possible. Such a temporary employee may also compete along with others for such regular selection/appointment. If he gets selected, well and good, but if he does not, he must give way to the regularly selected candidate. The appointment of the regularly selected candidate cannot be withheld or kept in abeyance for the sake of such an adhoc/temporary employee.”

22. Reliance has also been placed on behalf of petitioners on the following observation of the Apex Court in ***Official Liquidator vs. Dayanand and Others, reported in (2008) 10 Supreme Court Cases 1***, relevant extract whereof reads as under:-

“52. As mentioned above, while approving the reasons and conclusions recorded by the two High Courts and dismissing the appeals, this Court not only permitted the Government of India to frame a scheme modeled on the 1978 Scheme but also stayed implementation of the orders impugned in the appeal and the one passed by itself in the transferred writ petition. If the Court intended that all members of the company paid staff working on the date of judgment i.e. 27.8.1999 **Govt. of India v. Court Liquidator's Employees Assn., (1999) 8 SCC 560** should be absorbed in the regular cadres against Group 'C' and 'D' posts, then a simple direction to that effect would have been sufficient and there was no occasion to stay the implementation of the orders of the High Courts for six months with liberty to the Government of India to frame a new scheme within the same period. The absence of such a direction shows that the Court was very much conscious of the fact that recruitment to the regular cadres is governed by the rules framed under [Article 309](#) of the Constitution and it would be highly detrimental to public interest to issue direction for wholesale absorption/regularization of the company paid staff and thereby abrogate/stultify opportunity of competition to younger generation comprising more meritorious persons who may be waiting for a chance to apply for direct recruitment. Obviously, the Court did not want to sacrifice the merit by showing undue sympathy with members of the company paid staff who joined service with full knowledge about their status, terms and conditions of their employment and the fact that they were to be paid from the company fund and not Consolidated Fund of India. In this context, we may also mention that though the Official Liquidators appear to have issued advertisements for appointing the company paid staff and made some sort of selection, more qualified and meritorious persons must have shunned from applying because they knew that the employment will be for a fixed term on fixed salary and their engagement will come to an end with the conclusion of liquidation proceedings. As a result of this, only mediocres must have responded to the advertisements and jointed as company paid staff. In this scenario, a direction for absorption of all the company paid staff has to be treated as violative of the doctrine of equality enshrined in Articles 14 and 16 of the Constitution.”

23. It has been contended on behalf of private respondents that though they were appointed on Fixed Tenure Basis, but by due process, as provided for regular employment, having all eligibility and qualification and, therefore, except appointment on Fixed Tenure Basis, they were appointed after undergoing rigors of the process, provided for regular appointment.

24. It has been contended that term and condition in the Fixed Term Appointment, prohibiting the FTAs from claiming regular appointment, absorption in the regular cadre of SJVNL or termination after a specified period, do not debar the SJVNL from formulating a policy for regularization for best utilization of experience and acquaintance in the work of SJVNL of Fixed Term Appointees. It has been submitted that being an employer, SJVNL is the best judge to decide the zone of consideration for regular appointments by formulating a scheme of regularization of eligible and competent FTAs, already working with SJVNL, subject to fulfilling of parameters provided for such regularization.

25. It has been further submitted that there are candidates amongst the persons appointed on FTAs, who had applied in response to advertisement Nos. 95 of 2021 and 105 of 2022, after resigning from their previous jobs, and in case petitioners were so interested for accelerated

promotion, they would have also followed the same course, but petitioners did not apply for the same and thus, now when no impact is going to be caused to their promotional avenues, they have no right to assail the regularization of FTAs on the ground that petitioners did not apply on account of uncertainty, because of temporary nature of post, advertised by the SJVNL for Fixed Term Appointments.

26. By referring observations of the Apex Court in ***Zahoor Ahmad Rather and Others vs. Sheikh Imtiyaz Ahmad and Others, reported in (2019) 2 Supreme Court Cases 404***, it has been contended that SJVNL as an employer, is entitled to prescribe the qualification, condition of eligibility and zone of consideration, for regular appointments, and to adjudge such criteria, the Court cannot replace the role and function of the employer, while exercising the jurisdiction of judicial review, because as an employer, SJVNL have to bear in mind several features, including the nature of the job, aptitudes requisite for the efficient discharge of duties, the functionality of qualification and the content of the course of studies, as well as experience required for better functioning of the company.

27. In this regard, reliance has also been placed on observation of the Apex Court in ***Maharashtra Public Service Commission through***

its Secretary vs. Sandeep Shriram Warade and Others, reported in (2019) 6 Supreme Court Cases 362, which reads as under:-

“9. The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being at par with the essential eligibility by an interpretive rewriting of the advertisement. Questions of equivalence will also fall outside the domain of judicial review. If the language of the advertisement and the rules are clear, the Court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the Court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same.”

28. It has been contended in Scheme for Engagement on Fixed Tenure Basis, in Clause 16, it has been provided that CMD may at any time depending upon the requirement of the company modify/amend/delete/add and/or alter any of the provisions of the Scheme, in the overall interest of the company and, therefore, it has been argued that the Policy of regularization of Fixed Term Appointees, is not in conflict with the Scheme for engagement on Fixed Tenure Basis, but

the SJVNL has power to alter the Scheme, as provided in Clause 16 of the Scheme. ◇

29. It has also been contended that, in any case, at the earliest, the petitioners would be eligible for promotion to Executive E-2 level, after about 8-10 years, and at this stage, apprehension of the petitioners that on regularization of Fixed Term Appointees, their promotional chances will be marred, is ill-founded. Further, that though right to be considered for promotion, may be a fundamental or vested right of an employee, subject to fulfilling the conditions, but promotion is not a fundamental or vested right available to an employee and thus, petition on this count is not maintainable.

30. Having perused the record and giving thoughtful consideration to the facts and circumstances on record, as well as arguments advanced by learned counsel for parties, we are of considered view that petition deserves to be dismissed for discussion hereinafter.

31. Referring representations of the petitioners submitted to the SJVNL placed on record as Annexure P-10 (Colly), it has been contended on behalf of respondents that in all these representations, petitioners have commended the management for its thoughtful decision to regularize Fixed Term Appointees, who were initially inducted for a fixed

period by stating that this progressive step demonstrates the organization's commitment to recognizing and valuing the contributions of its employees, regardless of their initial contract terms, and such a decision not only boosts the morale of the FTAs but also reinforces the culture of inclusivity and appreciation within SJVNL, with further request for consideration to extend similar opportunities for promotion and career advancement to the existing regular employees, who are qualified for executive cadre, as it would further enhance the motivation and loyalty of entire workforce, fostering an even more inclusive and appreciative organizational culture.

32. Clause 16 of Scheme for Engagement on Fixed Tenure Basis, empowers the CMD to modify/amend/delete/add and/or alter any provisions of the Scheme, however, it cannot authorize the SJVNL to reverse the Scheme, as the Scheme is for engagement on Fixed Tenure Basis. Therefore, the aforesaid power may be exercised to modify the provisions of the Scheme, not changing the nature of the Scheme. Scheme is for Fixed Tenure Basis, therefore, it cannot be converted into Scheme for engagement on Regular basis. The Scheme for engagement on Fixed Tenure Basis was formulated at a relevant point of time, considering the prevailing circumstances at that time. By passage of time, keeping in view the requirement and interest of the Company, the

Company has every right to re-consider its earlier Policy and/or to replace policy of the Fixed Term Appointment into the regular appointment. ◇

33. As observed by the Apex Court in **Official Liquidator vs. Dayanand and Others, reported in (2008) 10 Supreme Court Cases 1**, in absence of permanency of the appointment, there is possibility that meritorious candidates may not apply for appointment. However, present petition is 'personal' in nature, wherein though petitioners have contended that in view of the nature of appointment offered, i.e., Appointment on Fixed Tenure Basis, all eligible persons may not have applied for the post, but at the same time, they have no objection for regularization of the similar situated persons/FTAs to the post of Supervisory Category. In their representations also, they have commended the Policy of regularization of the SJVNL. Therefore, grievance of the petitioners is 'personal in nature' as they did not apply for the post, because of temporary nature of the post advertised and thus, now regularization of Fixed Term Appointees, without considering the petitioners for such appointment, is having adverse impact on the petitioners, because in case of publication of nature of permanency or condition of likelihood of regularization, the petitioners would have also applied for the post and for length of experience and eligibility qualification, would have been selected against such post in Executive Category. This plea though has a force,

but in view of the circumstances in present case, the relevancy of this contention has lost its efficacy, because during pendency of the petition, SJVNL had advertised the same post on regular basis through advertisement No. 122 of 2025, but none of petitioners, who had applied, could qualify for appointment on regular basis in the said process and, therefore, plea of the petitioners that they are more meritorious than the private respondents, has also lost its efficacy. Therefore, cause on the basis of which petitioners are agitating for appointment to the post in the E-2 Category prior to FTA appointees, is not sustainable, whereas plea with respect to diminishing the promotional avenues/chances of the petitioners is concerned, the same is premature. Even otherwise, respondent-SJVNL has undertaken to make available 8 posts for promotion, as and when occasion arises for promotion of the petitioners, subject to fulfilling of other necessary requirements and eligibility.

34. In the given facts and circumstances, petitioners were though, as contended by them, were desisted from applying to the post in the Executive Category in response to Advertisement Nos. 95 of 2021 and 105 of 2022 and resultantly, they were not allowed to compete alongwith private respondents for such selection, however, during pendency of the present petition, they had a chance to compete for regular selection/appointment in the E-2 Category, but despite

participating they could not make road for their regular appointment in the E-2 Category. ◇

35. It is true that persons appointed on FTAs on the basis of advertisement No 95 of 2021, have been regularized during pendency of the petition, but regularization being made during pendency of the petition for passing of the order dated 27.09.2024, was and is subject to outcome of the writ petition, as it was categorically ordered in the order dated 27.09.2024 that the next steps taken by SJVNL in pursuance to office order dated 10.09.2024, will be subject to outcome of the writ petition.

36. Vide order dated 21.05.2024, status quo qua regularization of candidates, selected vide advertisement No. 105 of 2022 was directed to be maintained till further orders and resultantly, candidates selected in pursuance to the said advertisement have not been regularized till date. In case petitioners would have been able to qualify the process for their selection, as in the E-2 Category on regular basis in pursuance to Advertisement No. 122 of 2025, their prayer may have been considered to place them above the persons regularized or to be regularized in continuation of their Fixed Term Appointment, as has been observed by the Apex Court in **Piara Singh's case (supra)**, but the facts in present case are not entitling the petitioners to any benefit on the basis of

observation made in **Piara Singh's case** as well as **Official Liquidator's case**. ◇

37. At one hand, petitioners are advancing argument that SJVNL has no power to regularize the services of FTAs, engaged in the Executive (E-2) Category, but on the same time, they have expressed their assent for regularization of Junior Field Officers and Junior Field Engineers, in the same circumstances, who were appointed in the same process with the same status of Fixed Term Appointee. In representation of the petitioners also, they have not expressed their grievance against the regularization of the private respondents, but have requested the SJVNL to promote them also. Such a stand of the petitioners also negates their plea agitating the impugned action of the respondent-SJVNL, whereby FTAs have been decided to be appointed in terms of impugned Circulars dated 29.08.2023 and 21.05.2024. Petitioners are breathing hot and cold at the same time.

38. In the Circular dated 29.08.2023 (Annexure P-6), it has been categorically stated that Policy for regularization of Fixed Tenure Appointees, has been formulated to retain the trained and experienced manpower, appointed under the Scheme for engagement of manpower on Fixed Tenure Basis, so that proven talent be meaningfully utilized in

SJVNL's growth within optimum cost. As promotional avenues of the petitioners are not going to be affected adversely, and petitioners did not qualify in the process for regular appointment to the E-2 level of Executive Category, for which they are claiming their right to be appointed in promotion/appointment, we, in the given facts and circumstances, do not find any plausible reason to interfere in the decision of the SJVNL to regularize the Fixed Term Appointees.

39. Plea of the petitioners that they could have also availed golden opportunity by applying for the posts of E-2 level of Executive Category, is also not relevant, as they had such opportunity in the process initiated in 2025, during pendency of the petition, in which they have failed to achieve the goal. From the material on record, it has not been established that policy of regularization is amounting to defeat the purpose of Scheme of Fixed Term Appointment. In the prayer, authority of the employer for appointment of employees on regular basis, is not under challenge.

40. For rigors adopted in the process for appointment of Fixed Tenure, similar to the rigors and criteria applicable for regular appointment, the appointment of Fixed Term Appointees at initial stage, cannot be termed as a back door entry and, therefore, regularization of

such appointment cannot be termed as an act, defeating the provisions prescribed for regular appointment. ◇

41. It is not a case where appointment for Fixed Term has been made without following the procedure. The only difference in the appointment was that it was made for Fixed Tenure, keeping in view the requirement at prevailing point of time, but later on their continuation has been considered to be beneficial to the SJVNL, therefore, for adopting prescribed procedure for initial appointment on Fixed Tenure, there is no legal impediment for converting the said appointment into regular appointment, in terms of policy of regularization. The only flaw in the Advertisement of Fixed Term Appointment, appears to us, was and is that in the said Advertisement, it was not notified that in future, there was possibility of regularization and therefore, it was a valid ground for the petitioners to agitate their cause for absence of such notification in the Policy, as it may have resulted to desist them from applying for the post on Fixed Tenure Basis, as they were regularly appointed employees of the SJVNL and were likely to be promoted, though may be after 8 to 10 years. However, in view of chance available with the petitioners to apply for regular promotion in pursuance to Advertisement No. 112 of 2025, the said grievance also stands redressed, because in case of their selection in the said process, they would have been able to prove their suitability

for regular appointment to E-2 Category along with the appointees on Fixed Tenure or even prior to them, and in such eventuality, as the regularization of private respondents has to be governed by the final decision of present petition, it would have been directed to be made after regular appointment of the petitioners in the process initiated for regular appointment, before finality of regularization of private respondents. But in the given facts, petitioners have lost this opportunity also and thus, are not entitled for any favourable order in this regard.

42. Accordingly, petition is dismissed in the aforesaid terms. Pending applications, if any, also stands disposed of.

**(Vivek Singh Thakur),
Judge.**

**(Romesh Verma),
Judge.**

9th January, 2026
(Susheel)