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ALLAHABAD HC ON REGULARIZATION OF WORKMAN

A. Introduction:

Allahabad High Court (“HC”) on October 25, 2021, in the case of *Bipin v. Union of India*,¹ reiterated the principle of regularization of workmen while deciding a dispute relating to wrongful termination.

B. Brief Facts:

1. The petitioner Bipin was employed as a peon on casual basis by Indian Railway Construction International Limited (“Company”) for six months by order of its Project Manager.
2. Bipin was re-employed for another project after the completion on monthly for four years. Thereafter, he was brought into regular scale and was transferred yet another project and was later terminated.
3. Aggrieved by the termination, Bipin (with 74 other workmen) filed writ petition in which the court awarded compensation.
4. Bipin raised an industrial dispute praying for reinstatement with back wages.
5. Conciliation proceedings failed, and the matter was referred to the Labour Court, Lucknow. which that he cannot be considered as an employee of the company. He approached the HC challenging the order.

C. HC Order & Reasoning:

1. HC reiterated the 2007 the Supreme Court decision in *Lal Mohammad*² that when a workman is employed for a particular project, then the services of that employee ends when the project ends and that he cannot be given permanent status.
2. Bipin claimed that his case was different, and he was entitled for regularization.
3. However, the HC confirmed compensation and dismissed the petition concluding that there was similarity with the *Lal Mohammad* case. It reiterated: “*When a workman is employed for a particular project, the services of that employee came to an end when the project was over and, therefore, could not be given a permanent status. ... (T)he workman could not be considered as employee of the company under which various other projects ran.*”

D. Conclusion:

The judgment highlights that:

¹ https://www.livelaw.in/pdf_upload/bipin-v-uo-i-workman-allahabad-hc-404023.pdf.

² *Lal Mohammad and Ors. vs. Indian Railway Construction Co. Ltd. and Ors.* (11.01.2007 - SC): MANU/SC/0774/2007.

1. When a person is employed for a particular project on fixed-term basis, they cannot be given permanent status once the project is completed.
2. The aggrieved employee may be awarded compensation.

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