
(2020) 10 SHI CK 0361
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 1591 Of 2020

Anjana Devi

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 08-10-2020

Acts Referred:

Citation : (2020) 10 SHI CK 0361

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Adarsh K. Vashista, Somesh Raj, Dinesh Thakur, Sanjeev Sood, Divya Sood

Final Decision : Dismissed

Judgement

Ajay Mohan Goel, J

1. By way of this petition, the petitioner has, inter alia, prayed for the following relief:

"That the respondents may kindly be directed to grant and allow the work charge status/regularization to the petitioner after completion of 8 years of daily-waged service with 240 days in each calendar year in pursuance to the judgment rendered by the Hon'ble High Court in case titled as "Rakesh Kumar Vs. State of H.P. & Others" in CWP No. 2735/2010 decided on 28.07.2010 alongwith all consequential benefits, in the interest of justice."

2. Brief facts necessary for the adjudication of present petition are that the petitioner was engaged as a daily waged Peon (Class- IV) in the respondent-department in the month of July, 1999. Thereafter, her services were regularized by the respondents as Peon (Class-IV) in the month of February, 2009. The contention of the petitioner, as is borne out from the relief claimed by her, is that she has not been regularized after completion of 8 years of daily waged service in terms of the judgment of this Court in Rakesh Kumar Vs. State of H.P. and others, CWP No. 2735/2010, decided on 28.07.2010

3. In response, the stand of the State is that the case of the petitioner is not covered by the judgment of this Court in Rakesh Kumar's case (supra). As per the State, Rakesh Kumar was engaged in the Irrigation and Public Health Department in a work charge establishment, whereas the Department of Ayurveda was not having any work charge establishment. Further, learned Additional Advocate General has argued that the case of the petitioner was duly considered in terms of the Policy of regularization which was invogue at the time when her services were regularized and the services of the petitioner were regularized as and when she fulfilled the conditions so contemplated by the State in the Policy of regularization holding the field at the relevant time.

4. During the course of arguments, learned counsel for the petitioner could not refute what is contained in para-5 of the reply filed by the respondents. In this view of the matter, as it is not in dispute that the case of the petitioner is not covered by the judgment of this Court in Rakesh Kumar's case (supra) and reliance of the petitioner on the said judgment is totally misplaced, this petition being devoid of any merit is dismissed, so also pending miscellaneous applications, if any.