

(2010) 10 SHI CK 0158
In the High Court Of Himachal Pradesh
Case No : CWP No. 3180 of 2009

Bhushan Lal and Others

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 26-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0158

Hon'ble Judges : Kurian Joseph, C.J;Kuldip Singh, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition is filed with the following prayer:

(i) That a writ of mandamus may kindly be issued to the respondents to regularize the services of the petitioners in accordance with the latest policy of the Govt. with immediate effect to date with all the benefits incidental thereof.

2. In the reply at para 3, it is stated as follows:

That the contents of this para are not only wrong but misleading as while regularizing the services of petitioners their services had been reckoned with effect from the date of reference i.e. 9.6.98 as ordered by the Ld. Labour Court vide its award dated 29.10.2002 and as per the terms of policy appended as Annexure P-2 by the petitioners themselves, their 8 years of continuous service with minimum of 240 days in calendar year were completed by December 2006 and became eligible of consideration for regularizing against the available vacancy in the department. Terms and condition No. (ii) of the said policy clearly provided that 8 years of continuous service is only an eligibility criteria and regularization shall be only from prospective effect i.e. after the date of the orders of regularization is issued after completion of codal formalities. Since there were no vacant posts available in the replying respondent department, therefore, the case for creating posts of Beldar was sent to the Government and as and when the posts are made available by the competent authority, the petitioners services shall be regularized from prospective effect as per the terms

& conditions of the policy of the Government under which they are seeking regularization of their services. In this view of the matter vis-r-vis the provisions of the policy (Annexure P-2) it is wrong to allege that the petitioner should have been regularized on completion of 8 years of daily waged service as has been contended by the petitioners. In view of above, the present petition being devoid any merit deserves dismissal and may kindly be dismissed in limine in the interests of law and justice.

3. In view of the stand taken in the affidavit and in view of the intervening developments, in case the petitioners have still any grievance left either with regard to the regularization or conferment of work charge status, it will be open to them to approach the second respondent in which case appropriate action in the matter will be taken as per the policy of the Government available at the time of completion of the required number of years by the petitioners, within a period of another four months from the date of production of a copy of this judgment by the petitioner concerned.

4. The writ petition is disposed of, so also the pending applications, if any.