
(2012) 09 SHI CK 0026
In the High Court Of Himachal Pradesh
Case No : CWP No. 3896 of 2009-H

Chamaru Ram

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 12-09-2012

Acts Referred:

Citation : (2012) 09 SHI CK 0026

Hon'ble Judges : V.K. Ahuja, J

Bench : Single Bench

Advocate : Naresh Kaul, for the Appellant; J.S. Guleria, Assistant Advocate General, and Mr. Bhupinder Thakur, Advocate, for respondents No. 4 and 5, for the Respondent

Judgement

Justice V.K. Ahuja, J.—Petitioner has filed the present writ petition claiming the following relief:

... a writ of certiorari may kindly be issued and impugned orders may kindly be ordered to be quashed and set aside with further prayer to issue a writ of mandamus directing the respondents to regularize the services of the petitioner after completion of 08 years of daily waged service as per decision of the respondents themselves and to absorb with some additional benefits or deploy/depute the petitioner to any other department but as Class-III employee being one rank higher from the post, petitioner was working and in conformity with the provision of equality clause of the Constitution to secure the ends of law and justice "or" in the alternative the respondents may kindly be directed to grant the work-charge status to the petitioner exactly after the 10 years of services rendered by him in view of the state of H.P. versus Gehar Singh etc. with all consequential benefits.

Reply to the petition was filed by the respondents. During the course of arguments, learned counsel for the Forest Corporation has shown a certified copy of the judgment passed by a Division Bench of this Court in CWP No. 5907 of 2010, titled Sukh Chain versus State of H.P. and others, and other connected

matters, dated 4.5.2011, in which the following orders were passed:

15. Though this court has held that the Forest Development Corporation is not a work charge establishment, there was a direction to the Corporation to consider the case of the workmen for regularization in terms of the Government Policy. The regularization and conferment of work charge status are two different concepts altogether. Work charge status has to be conferred where even if there is no vacancy being a work charged establishment, whereas the regularization will depend only on availability of vacancy. The case of the Corporation is that due to want of work, they had been proposing to retrench the surplus staff.

16. We are informed that in some of the cases even after the regular appointment being offered by the Government, it took a few months thereafter to actually deploy/depute them in their respective departments. The learned counsel appearing for the Corporation submits that there being commitment, as referred to in the communication Annexure P-7, that the wages of that period would be paid by the Corporation, if in any individual case the same has not been done, the same shall be done by the Corporation within a period of two months.

17. In the above facts and circumstances, we do not find any legal merit in the claim advanced by the petitioners for conferment of work charged status in the Corporation or for retrospective regularization as they have been absorbed in Government Service as regular employees in deviation of the policy and in relaxation of the Rules, as a one time package. However, in case anything is left out in that package, it is for them to approach the Government.

2. It is submitted by both the parties that the petitioner in the present case is similarly placed as the petitioners in the above referred decision and that similar order may be passed in this case also. Therefore, the present writ petition is disposed of with the direction that in case the petitioner is similarly placed as the petitioners in the above referred decision, a similar treatment shall be extended to the petitioner herein also. All the pending application (s), if any, also stand disposed of.