
(2020) 09 SHI CK 0402
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 5063 Of 2019

Desh Raj

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 25-09-2020

Acts Referred:

Citation : (2020) 09 SHI CK 0402

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Bhuvnesh Sharma, Sumesh Raj, Sanjeev Sood, Divya Sood

Final Decision : Disposed Of

Judgement

)

Ajay Mohan Goel, J

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

"(i) That the respondents may kindly be directed to regularize the services of the applicant w.e.f. the date of completion of 8 years of daily waged services, i.e., 30.09.2004 against the post of Pump Operator, with all consequential benefits".

2. When the case was listed on 03.09.2020, following order was passed:-

"Though by way of this writ petition, the petitioner has, inter alia, prayed for issuance of directions to regularize his services as a Pump Operator upon completion of eight years service on daily wage basis, however, after making his submissions for some time, learned Counsel for the petitioner submits that the petitioner shall be satisfied in case status of work charge employee is conferred upon the petitioner upon completion of eight years of regular service as Beldar on daily wage basis, post completion of 240 days in each calender year up to the date of his regularization, in terms of the Policy of the State Government.

Learned Additional Advocate General states that he may be granted some time to have instructions in this regard. As prayed for, list on 25th September, 2020".

3. Today, learned Additional Advocate General has handed over a copy of the instructions so imparted to him by Superintending Engineer, JS Circle, Hamirpur, dated 24.09.2020, which are ordered to be taken on record, relevant portion of which reads as under:-

"With reference to above, it is submitted that the applicant was engaged on daily wage basis as beldar on 1.10.1996 and he completed 240 days in each calendar year from the year 1997 to 31.12.2004 for 8 years including the absence period allowed by the erstwhile HP Administrative Tribunal in OA No.2380/98 for counting towards continuity & seniority but without back wages. Therefore, deemed to have completed 240 days in 8 years by 31.12.2004, his case can be considered for conferment of work charge status as this is prior to abolition of work charge status by the Government w.e.f. 12.12.2005 in respect of Class-IV employees".

4. In view of the contents of the instructions so imparted to learned Additional Advocate General, this writ petition is disposed of with the direction that post completion of eight years service on daily wage basis and before regularization of his services as such, the petitioner be conferred work charge status as Class-IV employee with all consequential benefits. Pending miscellaneous applications, if any, also stand disposed of.