
(2020) 06 SHI CK 0166
In the High Court Of Himachal Pradesh
Case No : CWPOA No.663 Of 2019

Devi Ram And Anr

APPELLANT

Vs

State Of HP And Ors

RESPONDENT

Date of Decision : 26-06-2020

Acts Referred:

Citation : (2020) 06 SHI CK 0166

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Gaurav Gautam, Sudhir Bhatnagar, Arvind Sharma

Final Decision : Dismissed

Judgement

Sandeep Sharma, J

1. Petitioners, who were appointed as Beldars on daily wage basis in the respondent-department in the year, 1999, have approached this Court in the instant proceedings, praying therein for issuance of direction to the respondents to regularize their services from the date of their joining. Besides above, petitioners have also prayed that necessary directions may be issued to the respondents to pay them pay scale of Rs. 5480-8925 w.e.f. 1.1.1996 alongwith arrears as is being paid to the similarly situate regular staff.

2. Having heard learned counsel for the parties and perused reply filed by respondents, this court finds that relief, as prayed for, in the instant proceedings stands already granted to the petitioner. At this juncture, it would be apt to take note of the following paras of the preliminary submissions made in the reply filed by respondents, which read as under:

"1. That the present CWP has been filed by the petitioner before this Hon'ble Court for the following relief;

"i) That the respondents department may kindly be directed to regularize the services of the petitioners w.e.f. the day they have joined their services.

ii) That the respondents may be directed to pay to the petitioners as usual as to the other similarly situated regular staff i.e. the pay scale of Rs. 5480-8925 w.e.f. 1.1.1996 alongwith arrears."

2. It is respectfully submitted that the contractual services of the petitioners have already been regularized as per the approval of the Govt vide letter dated 17.8.2006 in the year 2006 (office orders of regularization of the Petitioners alongwith Govt Approval enclosed as Annexures R-1, R2 & R3 respectively). It is further submitted that in compliance of judgment passed by the Hon'ble High Court in CWP(T) No. 16218/08-Jagdish Chand Dhiman v. State of H.P., and pursuant to instructions issued by the Secretary (Technical Education) to the Govt of Himachal Pradesh vide letter No. EDN(TE) E(1) 21/2007 dated 24.6.2011, regarding revision of pay scale from Rs. 1640-2925 to 1800-3200 w.e.f. 1.1.1986 and from Rs. 5480-8925 to 5800-9200 w.e.f. 1.1.1996 has been fixed (Copy of Pay fixation in new scale of Petitioners are enclosed as Annexure R-4 and R-5 respectively) and the arrear on account of revision of pay scale amounting to Rs. 8186/- and Rs. 7416/- has been released to the Petitioners on dated 31.10.2011 & 19.10.2011, respectively (Copy of Pay arrear sheet alongwith and receipt of arrear are enclosed as Annexure R-6 & R-7).

In the light of the above facts it is respectfully submitted that the present Writ deserves to be dismissed and has become infructuous in view of submission made herein above."

3. Careful perusal of aforesaid reply filed on behalf of the respondents clearly suggests that services of the petitioners, who were earlier appointed on daily wage basis stand regularized in terms of letter dated 17.8.2006 in the year, 2006 (Annexures R-1, R2 and R3). In compliance of judgment passed by this Court in CWP(T) No. 16218 of 2008, titled Jagdish Chand Dhiman v. State of H.P., and in pursuance to instructions issued by the Secretary (Technical Education) to the Govt., pay scale of the petitioners has been also fixed/revised from Rs. 1640-2925 to 1800-3200 w.e.f. 1.1.1986 and from Rs. 5480-8925 to 5800-9200 w.e.f. 1.1.1996 (Annexure R-4 and R-5). Careful perusal of Annexure R-6 and R-7 annexed with the reply filed by the respondents further reveals that arrears on account of revision of pay scales amounting to Rs. 8186/- and Rs. 7516/- stands released to the petitioners on 31.10.2011 and 19.10.2011, respectively.

4. Since reliefs as have been prayed in the instant petition stand extended to the petitioners, learned Additional Advocate General is right in contending that the present petition has become infructuous with the efflux of time.

5. Consequently, in view of the above, present petition is dismissed as having become infructuous. However, liberty is reserved to the petitioners to file appropriate proceedings in the appropriate court of law, if they are still aggrieved.