

(2024) 11 SHI CK 0042
In the High Court Of Himachal Pradesh
Case No : CWP No. 6423 Of 2020

Gulab Singh Negi

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

Date of Decision : 06-11-2024

Acts Referred:

Citation : (2024) 11 SHI CK 0042

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Subhash Mohan Snehi, Bhavinta Kumari, Niranjana Kumari,
Pushpinder Jaswal

Final Decision : Dismissed

Judgement

Ajay Mohan Goel, J

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

"That writ of mandamus may kindly be issued, directing the respondents to regularise the services of the petitioner w.e.f. 19.12.2004 instead of 16.08.2007 as per 8 years regularization policy (Annexure P-3) framed by the Government of Himachal Pradesh in the year 2000, with all consequential benefits such as, arrears of pay for three years, pay fixation, seniority and other allied service benefits."

2. The petitioner is seeking his regularization with effect from 19.12.2004 instead of 16.08.2007, in terms of the policy of regularization, copy whereof is appended with the petition as Annexure P-3.

3. Brief facts necessary for the adjudication of the present case are that the petitioner was appointed on daily wage basis on 18.12.1996. His services were thereafter regularized on 16.08.2007. Feeling aggrieved that his services were erroneously regularized with effect from 16.08.2007 and that he had a right of

regularization immediately post completion of 8 years of service on daily wage basis, the petitioner has filed this writ petition.

4. A preliminary objection has been taken by the respondents with regard to the maintainability of the writ petition on the ground that the same is grossly hit by delays and latches.

5. Learned Additional Advocate General has submitted that the cause of action, if any, accrued in favour of the petitioner as far back as in the year 2007 and there is no cogent justification as to why the petitioner has approached this Court after 13 years.

6. A careful perusal of the petition demonstrates that there is no explanation as to why the writ petition has been filed after 13 years. Therefore, the petition is grossly hit by delays and latches and is liable to be dismissed on this count. Further, the prayer of the petitioner that his services should be regularized in terms of Annexure P-3, is completely misconceived. Annexure P-3 is a communication on the subject of regularization of daily wage/contingent paid workers, dated 06.05.2000. Admittedly, as on 06.05.2000, the petitioner was not eligible for regularization as he had not completed 8 years of service on daily wage basis. In fact, until the State Government curtailed the period for regularization to 8 years, earlier it was 10 years.

7. Be that as it may, the fact of the matter remains that the services of the petitioner were regularized in terms of notification dated 09.06.2006, copy whereof is appended with the reply by the respondents, wherein the respondent-State took a decision to regularize the services of those incumbents who had completed 8 years of continuous service as on 31.03.2004. The policy was prospective and there is no challenge to the policy per se on the ground that the same does not confers retrospective right of regularization.

8. Therefore, as obviously the case of the petitioner is neither covered by Annexure P-3, on which the petitioner is relying and further as the case of the petitioner is otherwise grossly hit by delays and latches, this writ petition is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.