

(2011) 05 SHI CK 0075
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 10987 of 2008

Harbans Singh

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 05-05-2011

Acts Referred:

Citation : (2011) 05 SHI CK 0075

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajiv Sharma, J.—As per the pleadings, the Petitioner was engaged as Beldar in the month of February, 1984. Thereafter, his designation was changed as Helper on 6th February, 1989. He was permitted to work as Pump Operator w.e.f. February, 1990. He has been regularized as Pump Operator on 2nd August, 2003.

2. Mr. Naresh Kaul, learned Counsel for the Petitioner has strenuously argued that his client was required to be regularized as Pump Operator w.e.f. 1st April, 1998 and he was also entitled for conferment of work charge status as Beldar w.e.f. 1st January, 1994.

3. Mr. Anshul Bansal, learned Additional Advocate General has strenuously argued that since the Petitioner has not worked for 10 years uninterruptedly as Beldar, he could not be conferred work charge status of Beldar. He then argued that the Petitioner has been regularized as Pump Operator w.e.f. 2nd August, 2003 after giving relaxation in educational qualification.

4. I have heard the learned Counsel for the parties and gone through the pleadings carefully.

5. Petitioner was engaged as Beldar in the month of February, 1984. His status was changed as Helper on 6th February, 1989. He started working, as noticed above, as Pump Operator w.e.f. February, 1990. He has been regularized as

Pump Operator on 2nd August, 2003. Since the Petitioner was not possessing the essential qualification to be regularized as Pump Operator, his case was taken by the Respondent-department with the State Government. The necessary orders for relaxation of the educational qualification were issued to the Petitioner on 18th July, 2003. Thereafter, on the basis of the availability of vacancies, the services of the Petitioner were regularized on 2nd August, 2003. Since the Petitioner was lacking the essential educational qualification, he could not be regularized w.e.f. 1st April, 1998 as Beldar.

6. Now, the Court will advert to the second submission of Mr. Naresh Kaul. Petitioner has worked as Beldar w.e.f. 1984 to 6th February, 1989. Thereafter, he has worked as Helper up to February, 1990. He has worked as Pump Operator w.e.f. February, 1990 onwards. Since the Petitioner has worked in three different spells, as noticed above, in different capacities, i.e., Beldar, Helper and Pump Operator, he could not be conferred work charge status as Beldar in 1994. If the plea of Petitioner is accepted that he was to be conferred work charge status w.e.f. 1st January, 1994 as Beldar, then the period for which the Petitioner has worked as Pump Operator w.e.f. February, 1990 till 1st January, 1994 was liable to be curtailed, which would have further delayed his regularization. Moreover, the present petition is also barred by delay and laches. Petitioner is seeking conferment of work charge status as Beldar w.e.f. 1st January, 1994 and regularization as Pump Operator w.e.f. 1st April, 1998. The present petition has been filed on 25th July, 2004. Petitioner has not explained the delay and laches.

7. Accordingly, in view of the observations and discussions made hereinabove, there is no merit in this petition and the same is dismissed. No costs.