
(2012) 03 SHI CK 0474
In the High Court Of Himachal Pradesh
Case No : CWP No. 9753 of 2011-F

Kancho Devi

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 05-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0474

Hon'ble Judges : Sanjay Karol, J

Bench : Single Bench

Judgement

Justice Sanjay Karol, J.—Petitioner has prayed mainly for the following relief: (i) That writ in the nature of mandamus may kindly be issued, directing the respondents to give daily wager's status to the petitioner from the date when her juniors were given daily wagers status as per the policy of the Government particularly w.e.f. 1st of April, 2009 when she completed 10 years continuous part time service as Class IV employee on 30.03.2009 with all consequential benefits like seniority as daily wager and arrears of difference of wages from the due date along with interest @ 12% per annum.

Facts are not much in dispute. On 18.3.1999, petitioner was engaged as a "Part Time Sweeper-cum- Mali" on part time basis. It cannot be disputed that she continued to discharge her duties, to the satisfaction of her employer, without any break. From the order dated 18.2.2012 (Annexure R-II), passed by the respondents themselves, it is evident that petitioner completed 10 years of continuous service as on 31.3.2009.

2. Now respondents did not accord benefit of daily wager status to the petitioner, inspite of her having completed 10 years of continuous service, in terms of policy framed by the State (Annexure P-1). Petitioner was discriminated inasmuch as her colleagues who were engaged subsequently were accorded such benefits under the policy. In fact petitioner made a representation which was not considered for a period of 2 years. She was forced to send a legal notice (Annexure P-5) and also file a petition before this Court for redressal of her

grievances. It is only pursuant to the directions of this Court that the respondents passed order dated 18.2.2012 (Annexure R-II), according benefits of daily wage worker w.e.f. 18.2.2012 and not 31.3.2009. Significantly such benefits stand accorded to other similarly situated persons w.e.f. 11.12.2009 which in any event is prior to 18.2.2012. Now this action of the respondents is arbitrary and illegal. Respondents ought to have considered the petitioner's case for according such benefits, in accordance with her entitlement, in terms of the policy, which in any event had to be from the date on which persons junior to her were accorded such benefits. Consequently present petition is allowed and respondents are directed to accord daily wage status to the petitioner in accordance with the policy. Decision in that regard be positively taken within a period of 8 weeks from the date of receipt of certified copy of this order. Monetary benefits, if any, be also disbursed to the petitioner within the aforesaid period, failing which, then thereafter, petitioner shall be entitled to interest @ 6% per annum which shall be personally recovered from the erring official(s). With the aforesaid observations, petition stands disposed of, so also the pending application(s), if any.