
(2011) 04 SHI CK 0377
In the High Court Of Himachal Pradesh
Case No : CWP No. 64 of 2011

Laxmi Devi

APPELLANT

Vs

H.P.S.E.B. Ltd. and Another

RESPONDENT

Date of Decision : 05-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0377

Hon'ble Judges : Kurian Joseph, C.J;Sanjay Karol, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The Petitioner joined the service with the Respondents as a Part Time Sweeper in December, 1990. She was terminated in 1997. The matter was pursued before the Labor Court. As per Annexure P-1, award, it was held that the termination is illegal and the Petitioner is entitled to reinstatement with seniority and continuity. Therefore, for all purposes except back-wages denied to the Petitioner, she shall be deemed to be continuing in service. If that be so, on completion of 10 years of service as a part time Sweeper, the Petitioner is entitled to confer with the status of daily wager. Therefore, there will be a direction to treat the Petitioner as daily wager on completion of 10 years of service as a part time Sweeper. Thereafter, the Petitioner shall be deemed to have been working as a daily wager and in case the Petitioner otherwise satisfies 240 days norms, as part time, it shall be taken that the Petitioner has completed 240 days as a daily wager. Thereafter, subject to the availability of the vacancy, required steps shall be taken for regularization of service of the Petitioner. In case any junior to the Petitioner who has been regularized in service after the Petitioner has been conferred with daily waged status, she shall be entitled to regularization with effect from that date. However, we make it clear that the Petitioner shall not be entitled to any back-wages either on account of declaration regarding daily waged status or on account of regularization. However, with effect from today, the Petitioner shall, in any case, be treated for the purposes also of monetary benefits as a daily wager. Needless to say, in case the Petitioner otherwise fulfills the requirement and in case there is no vacancy to regularize

her services, she shall be conferred with daily waged status.

2. With the aforesaid observations, writ petition stands disposed of.