

(2011) 05 SHI CK 0253
In the High Court Of Himachal Pradesh
Case No : CWP No. 2530 of 2011

Raj Bhagti and Others

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 04-05-2011

Acts Referred:

Citation : (2011) 05 SHI CK 0253

Hon'ble Judges : Kurian Joseph, C.J;V.K. Ahuja, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petitions are filed with the following prayers:

(i) It is, therefore, most respectfully prayed that this writ petition may very kindly be allowed and appropriate writ, order or direction may very kindly be passed in favour of the Petitioners against the Respondents thereby directing the Respondents to pay the arrears of pay of the Petitioners No. 1 to 5 and 8 to 13 from the date when they completed eight years of regular service i.e. in the year 2002, thereby they are entitled for arrears of five years and to the Petitioners No. 6 and 7 from the year, 2004 (for the arrears of three years) along with interest @ 12% per annum with seniority.

CWP No. 2535 of 2011.

(i) It is, therefore, most respectfully prayed that this writ petition may very kindly be allowed and appropriate writ, order or direction may very kindly be passed in favour of the Petitioner against the Respondents thereby directing the Respondents to pay the arrears of pay of the Petitioner from the date when he completed eight years of regular service i.e. in the year 2005, thereby he is entitled for arrears of two years along with interest @ 12% per annum with seniority.

2. The Petitioners claim work charge status/regularization/consequential benefits on completion of eight years of continuous service as daily waged worker.

According to the Petitioners, the issue is covered in their favour by the judgment of this Court rendered in CWP No. 2735 of 2010 titled Rakesh Kumar v. State of H.P. and Ors.

3. Learned Deputy Advocate General points out that the factual aspects are to be verified by the competent authority. Petitioners submit that they would file appropriate representation(s) furnishing all factual details before the competent authority within a period of one month from today. It is always open for them to do so.

4. It is for the Respondents to examine the matter. We are informed that the State has filed an appeal against the above mentioned decision. Therefore, it is made clear that the implementation of the judgment referred to above would depend on the outcome of the decision of the Apex Court. The needful action, after verifying the facts will be taken within a period of two months from the date of the judgment of the Apex Court.

5. The writ petitions are disposed of, so also the pending applications, if any.