

(2011) 06 SHI CK 0094
In the High Court Of Himachal Pradesh
Case No : CWP No. 8229 of 2010

Ram Krishan

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 21-06-2011

Acts Referred:

Citation : (2011) 06 SHI CK 0094

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Deepak Gupta, J.—The Petitioner, who is an employee of the Himachal Pradesh State Forest Corporation, has prayed that he be granted work charged status on completion of 10 years continuous service on daily wage basis.

2. It is not disputed that the Petitioner has been regularized and now his claim is that he should be given work charged status from a date earlier to his regularization. This matter is squarely covered by a judgment of the Division Bench of this Court in CWP No. 1459 of 2011 and Ors. connected matters titled as Ram Kumar and Ors. v. State of H.P. and Anr. decided on 4th May, 2011, wherein the Division Bench held as follows:

15. Though this Court has held that the Forest Development Corporation is not a work charge establishment, there was a direction to the Corporation to consider the case of the workmen for regularization in terms of the Government Policy. The regularization and conferment of work charge status are two different concepts altogether. Work charge status has to be conferred where even if there is no vacancy being a work charged establishment, whereas the regularization will depend only on availability of vacancy. The case of the Corporation is that due to want of work, they had been proposing to retrench the surplus staff.

16. We are informed that in some of the cases even after the regular appointment being offered by the Government, it took a few months thereafter

to actually deploy/depute them in their respective departments. The learned Counsel appearing for the Corporation submits that there being commitment, as referred to in the communication Annexure P-7, that the wages of that period would be paid by the Corporation, if in any individual case the same has not been done, the same shall be done by the Corporation within a period of two months.

17. In the above facts and circumstances, we do not find any legal merit in the claim advanced by the Petitioners for conferment of work charged status in the Corporation or for retrospective regularization as they have been absorbed in Government Service as regular employees in deviation of the policy and in relaxation of the Rules, as a one time package. However, in case anything is left out in that package, it is for them to approach the Government.

3. In view of aforesaid judgment, there is no merit in the petition. The same is accordingly dismissed. No costs.