
(2011) 09 SHI CK 0004
In the High Court Of Himachal Pradesh
Case No : CWP No. 4937 of 2010

Raman Sharma

APPELLANT

Vs

Dr. Y.S. Parmar University and Another

RESPONDENT

Date of Decision : 12-09-2011

Acts Referred:

Citation : (2011) 09 SHI CK 0004

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Judgement

Deepak Gupta, J.—The Petitioner, by means of this petition, prays that he should have been regularized as Book Binder and not as Bindery Assistant.

2. The undisputed facts are that the Petitioner was engaged as daily waged worker in the Respondent-University. According to him, he was working as Book Binder and should be paid wages of Book Binder. In fact, this matter was compromised before the Labour-cum-Conciliation Officer vide order dated 29.7.1999 and it was held that the Petitioner was working as Book Binder and therefore, was entitled to daily wages being paid to the Book Binder.

3. As per the policy framed by the State of Himachal Pradesh after a daily waged employee has completed eight years service on daily wages, he is required to be considered for regularization. Accordingly, in the year 2007, the case of the Petitioner was considered for regularization and the Petitioner was regularized against the post of Bindery Assistant vide order dated 2.4.2007. He joined as such, but made representations that he should have been regularized as Book Binder and not as a Bindery Assistant. These representations have been rejected by non-speaking orders. The plea of the University in its reply is that as per the Rules, the post of Book Binder has to be filled-up by promotion from amongst the Bindery Assistants and therefore, the Petitioner could not have been regularized as Book Binder directly.

4. Admittedly, the Petitioner was working as Book Binder and was being paid

daily wages of Book Binder. Therefore, it is apparent that the work of Book Binder was taken from the Petitioner. Once a person had been working for almost eight years as a Book Binder it was a fit case, where the rules should have been relaxed in case they were an impediment in the way of the Petitioner. The Petitioner, who was working on a higher post, should have been regularized against the same post, unless it was shown that no post was available. It is not clear whether these facts have been considered by the Respondent-University or not. Therefore, the Respondent-University is directed to re-consider the representations of the Petitioner and in case the post of Book Binder is lying vacant, then he may be regularized against the said post. Needful, as above, shall be done on or before 31st January, 2012.

5. With these observations, the writ petition stands disposed of. No costs.