

(2014) 05 SHI CK 0044
In the High Court Of Himachal Pradesh
Case No : CWP No. 9270 of 2012-G

Sh. Raj Mal

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 16-05-2014

Acts Referred:

Citation : (2014) 05 SHI CK 0044

Hon'ble Judges : Sanjay Karol, J

Bench : Single Bench

Advocate : Rahul Mahajan, Advocate for the Appellant; R.S. Verma, Addl. Advocate General and Mr. Vivek Attri, Dy. A.G. for State, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Sanjay Karol, J.

CMP No. 6104 of 2014

1. Application is allowed and disposed of accordingly. With the consent of the learned counsel for the parties, petition is heard today itself.

CWP No. 9270 of 2014

2. Mr. Rahul Mahajan, learned counsel for the petitioner states that application referred to in the reply filed by the State (page No. 24 of the paper book) already stands disposed of.

3. The short grievance of the petitioner is that the benefit flowing out of the Award in Reference No. 110 of 2006 dated 2.11.2010 on the file of the Industrial Tribunal-cum-Labour Court, Dharamshala, H.P. has not been granted to him. The operative portion of the award at paragraph-16 reads as follows:-

16. For all the aforesaid reasons discussed above it is thus held that the aforesaid workmen were in continuous uninterrupted service with the

respondents from their respective dates of engagement. The breaks given by the respondent were fictional in nature and it shall have no effect on the seniority and continuity of service of these workmen. Their seniority shall be reckoned from their initial dates of engagement. It further goes without saying that the workmen shall be entitled to regularization from their initial date of engagement though subject to the policy of the State. A copy of this award be sent to the appropriate Govt. for publication in the official gazette and the file after completion consigned to the record room.

4. It needs no elaborate discussion to hold that the service of the workman from the initial date of engagement has to be counted for the purpose of regularization. Thus in case any workman who was junior to the petitioner with respect to the initial date of engagement has been regularized in service or conferred any other benefits such as work charge status etc., same benefits shall be extended to the petitioner herein also. Needful shall be done within a period of two months from the date of production of a copy of this judgment along with a copy of the writ petition by the petitioner before the third respondent. We make it clear that the above direction is subject to the finality attained to the award of the Tribunal.

With the aforesaid observations, petition is disposed of, as also pending application(s), if any.