

(2021) 09 SHI CK 0100

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition (Original Application) No. 4103 Of 2019

Sham Lal

APPELLANT

Vs

Himachal Pradesh State And Others

RESPONDENT

Date of Decision : 27-09-2021

Acts Referred:

Citation : (2021) 09 SHI CK 0100

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. The petitioner prays a direction to the respondents to regularize his services as Beldar from due date.

2. The respondents in their reply have opposed the relief prayed for by the petitioner. The petitioner has filed rejoinder and along with the rejoinder he has placed on record a letter dated 20.1.2021 (Annexure P-D) addressed by Additional Superintending Engineer, Arbitration & Mtc. Division, HPSEB Ltd., Thalout, Mandi recommending to the Superintending Engineer, Generation Circle, HPSEB Ltd., Sarabai (Bhunter) the case of the petitioner. While recommending the case of the petitioner, the Additional Superintending Engineer has noticed following facts:-

a) The petitioner was engaged as Beldar on daily wages through Muster Roll basis in September 1996 under Gumma Construction Division. He worked there till August 2000. On 5.8.2000, he was transferred from Gumma Construction Division to Larji Construction Division.

b) The petitioner continued on Muster Roll basis in Larji Construction Division till February 2001. Thereafter his Muster Roll was discontinued though he continued to be engaged through work order basis till December 2006.

c) The petitioner remained working for HPSEB through various modes of deployment i.e. daily wages, work orders and thereafter through indirect employment from January 2007 to 4.12.2019.

d) Presently also, the petitioner was working with the respondents as cook-cum-chowkidar on outsource basis w.e.f. 5.12.2019.

In the above referred letter dated 20.1.2021, the fact has been acknowledged that the petitioner had worked with the HPSEBL for about 25 years through direct or indirect modes and further that some colleagues of the petitioner deployed on daily wages basis were regularized and got retired from HPSEBL. The services of the petitioner, however, were not regularized. Petitioner has also placed on record a communication dated 30.7.2019 (Annexure P-E) whereby services of certain workers deployed on work order basis, were regularized by HPSEBL.

It is jointly stated at the Bar by the learned counsel for the parties that no decision on the recommendation so made in Annexure P-D has yet been taken by the respondents. With the consent of learned counsel for the parties, this writ petition is disposed of with a direction to the Superintending Engineer, Generation circle, HPSEB Ltd. Sarabai (Bhunter) to decide Annexure P-D dated 20.1.2021 in accordance with law through a speaking order after within a period of four weeks from today. While deciding the matter, an opportunity of hearing shall also be provided to the petitioner. Liberty is reserved to the petitioner to avail appropriate remedy in case he still feels aggrieved. Petition is disposed of in the above terms. Pending miscellaneous application(s), if any, shall also stand disposed of.