
(2010) 07 SHI CK 0034

In the High Court Of Himachal Pradesh

Case No : CWP (T) No. 15837 of 2008 OA No. 2790 of 2007

Shri Degar Sing

APPELLANT

Vs

Himachal Pradesh State Electricity Board and Others

RESPONDENT

Date of Decision : 22-07-2010

Acts Referred:

Citation : (2010) 07 SHI CK 0034

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Surinder Singh, J.—The Petitioner, in this petition sought following twin directions to the Respondents:

a) That the Petitioner was appointed as daily wage worker with effect from 19th January, 1985 and on completion of ten years he was required to be conferred with the work-charge status w.e.f. 19th January, 1995 as he had worked for 240 days in each calendar year and not from the later date i.e. 30th January, 1998.

b) The Petitioner was superannuated with effect from 30th April, 2007 on attaining the age of superannuation, so he was also entitled for half of the daily wage services rendered by him.

2. I have heard learned Counsel for the parties and gone through the record.

3 .The Petitioner, herein, was appointed as a daily wager Beldar in the HP State Electricity Board with effect from 19th January, 1985.

4. A Scheme for the Betterment (Appointment) and Regularization of Muster Roll/ Daily-Wage Workers in Himachal Pradesh was prepared by the Government of Himachal Pradesh, which fell for consideration of the Supreme Court in Mool Raj Upadhyaya Vs. State of H.P. and Others, seeking regularization by the daily wagers of salary, allowances and other benefits as were being given to the other employees on the principle of "equal pay for equal work". On its consideration

the said Scheme was notified which inter alia provided the daily-wage/muster roll, workers, whether skilled or unskilled, who have not completed 10 years of continuous service with a maximum of 240 days in a calendar year on 31.12.1993, shall be appointed as work-charged employees with effect from the date they complete the said period of 10 years of service and on such appointment they shall be put in the scale of pay applicable to the lowest grade in the Government.

5. The instant case is fairly and squarely covered by law laid down in Mool Raj Upadhyaya's case and reiterated in State of H.P. and Others Vs. Gehar Singh,

6. By applying the above principle of law the Petitioner is entitled for the work-charge status on and with effect from the date of completion of 10 years service, i.e., 19th January, 1995 with all consequential benefits. Further, half of the service as daily wager rendered by him upto 19th January, 1995 shall also be taken into consideration for the purpose of pensionary benefits in accordance with the judgment of this Court in State of H.P. and Ors. v. Sarab Dayal (CWP No. 180 of 2001, decided on 19th July, 2007).

7. Consequently, the petition is allowed to the above extent. The needful be done within eight weeks after the receipt of the certified copy of this judgment. The Petitioner is also entitled to interest at the rate of 9% per annum. The release of pension shall abide by the outcome of SLP preferred by the State of Himachal Pradesh against the judgment in Sarab Dayal's case. The parties are left to bear their own costs.