
(2014) 05 SHI CK 0075
In the High Court Of Himachal Pradesh
Case No : CWP No. 2808 of 2014

Soma Devi

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 02-05-2014

Acts Referred:

Citation : (2014) 05 SHI CK 0075

Hon'ble Judges : Tarlok Singh Chauhan, J;Rajiv Sharma, J

Bench : Division Bench

Advocate : Gaurav Sharma, Advocate for the Appellant; Shrawan Dogra, Advocate General, M/s. M.A. Khan, V.S. Chauhan and Romesh Verma, Addl. Advocates General, Advocate for the Respondent

Final Decision : Allowed

Judgement

Rajiv Sharma, J.—Petitioner was appointed as part-time Sweeperess on 1.7.1997. The respondent-State issued letter dated 27.2.2004 whereby decision was taken that the part-time Class-IV employees, who had completed ten years of continuous service as on 31.12.2003 in all Departments, except Education and Ayurveda Departments, would be made daily wagers subject to the terms and conditions imposed therein. Thereafter, the respondent-State issued another letter dated 13.10.2009, according to which, the respondent-State decided that part-time Class-IV employees having completed ten years continuous service as on 31.3.2009 in all Departments except Education and Ayurveda Departments would be made daily wagers subject to the terms and conditions imposed therein.

2. Petitioner completed ten years of continuous service as part-time Sweeperess in the year 2007. However, she was given daily wager status vide office order dated 17.7.2010. She was required to be given daily wager status immediately after completion of ten years of continuous service as part-time Sweeperess. The respondent-State has also taken a decision that the incumbents, who have worked for ten years on part-time basis would be given daily wager status, thereafter, their services would be regularized after eight years of continuous

service as daily wagers. In these circumstances, the date of conferment of daily wager status on an incumbent has to be immediately after completion of ten years of continuous service on part-time basis to enable him/her to complete eight years further service on daily wage basis for seeking regularization.

3. Accordingly, in view of the observations and analysis made hereinabove, the writ petition is allowed. The respondent-State is directed to give daily wager status to the petitioner from the date she completed ten years of continuous service as part-time Sweeperess instead of 17.7.2010 and consider her for regularization from the date she completes eight years of continuous service as daily wager Sweeperess, within a period of eight weeks. Pending application(s), if any, also stands disposed of. No order as to costs.