

(2010) 03 SHI CK 0118
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 2261 of 2007

State of Himachal Pradesh and Others	Vs	APPELLANT
Kamal Raj		RESPONDENT

Date of Decision : 11-03-2010

Acts Referred:

Citation : (2010) 03 SHI CK 0118

Hon'ble Judges : Kuldip Singh, J;Dev Darshan Sood, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Dev Darshan Sud, J.—State is aggrieved by the order passed by the learned State Administrative Tribunal granting work charged status to the Respondent herein as Mortar Mate on work charged basis w.e.f. 1.1.1999.

2. The judgment of the learned Tribunal shows that the order has been passed on the basis of the record maintained by the State. No reply was filed to the writ petition. The Tribunal holds:

Reply has not been filed by the Respondents despite the fact that the matter is already admitted and the Respondents were given time to file reply after admission which they have not filed. Hence, no further to file reply. The matter finally heard and is being disposed of.

It is not in dispute but it is clear in view of the contents of Annexures A-1 and III, certified copies of details of working days/seniority list issued from the office of the Respondents that the applicant had completed 10 years regular service as a daily wage Mortar Mate, Work Inspector and Beldar with requisite minimum 240 working days in each calendar year. The applicant therefore claims that he is entitled for the work charged status w.e.f. 31.12.1998. The Respond

with minimum 240 working days in each calendar year is entitled to be given work charged appointment. This decision has been reiterated and reaffirmed by the Hon"ble Apex Court in State of H.P. and Ors v. Gehar Singh Civil Appeal No 1037 decided on February 27, 2007). In view of this settled position of law, the applicant is entitled for the appointment of work charged basis w.e.f. 1.1.1999.

As a result the Respondents are directed to appoint the applicant as Mortar Mate on work charged basis w.e.f. 1.1.1999 with all consequential benefits within a period of six weeks. The Original Application is accordingly disposed of.

No order as to costs.

3. The judgment proceeds on undisputed facts and on the judgment rendered by the Supreme Court. In these circumstances, we do not find any error in the judgment of the Tribunal. This writ petition is accordingly dismissed.

4. There shall be no order as to costs. All interimorders are vacated. All miscellaneous applications are disposed of.