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**(2010) 01 SHI CK 0076**  
**In the High Court Of Himachal Pradesh**  
**Case No : C.W.P. No. 2262 of 2007**

State of H.P. and Others

APPELLANT

Vs

Laiq Ram

RESPONDENT

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**Date of Decision :** 06-01-2010

**Acts Referred:**

**Citation :** (2010) 01 SHI CK 0076

**Hon'ble Judges :** V.K. Ahuja, J;Deepak Gupta, J

**Bench :** Division Bench

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## Judgement

Deepak Gupta, J.—The State has filed this writ petition against the order of the learned Tribunal whereby a direction has been given to grant work charge status to the applicant from the date he completed 10 years of service with 240 days in each calendar year within a period of six months from the date of the order by the Tribunal.

2. The grievance of the State is that the petitioner had not completed 240 days of service prior to 31.12.1993 and therefore, the scheme approved by the Apex Court in Mool Raj Upadhyaya Vs. State of H.P. and Others, does not apply to his case.

3. In Gauri Dutt and Ors. v. State of H.P. 2008 (1) LHLJ 366 . two of the questions framed read as follows:

1. Whether the scheme of putting the workers on work charged basis as approved by the Apex Court in Mool Raj Upadhyaya's case is applicable to those daily waged employees who had not completed minimum of 240 days of service in a calendar year as on 31st December, 1993?

2. If the answer to the first question is in the negative, what will be the process of regularization of services of those employees who had not completed 240 days of service in a calendar year as on 31st December, 1993 or had joined service after 1st January, 1994?

4. These questions were answered in the following terms:

15. The scheme does not deal with future contingencies. We cannot read into the Judgment of the Supreme Court or in the scheme as approved by the Supreme Court anything more than what is stated in it. As per our reading of the scheme the same only applies to employees who had either completed 10 years of continuous service as on 31.12.1993 or the employees who had rendered one or more year of service, but not completed 10 years of service as on 31.12.1993. This scheme does not apply to those employees who had not completed even one year of service as on 31.12.1993 or who were employed thereafter. The first question is answered accordingly.

16. Under para 4 of the scheme the State was under an obligation to regularize all daily waged/muster roll workers whether they had joined prior to 31.12.1993 or thereafter. The State has framed a scheme in this behalf on 6th May, 2000. In our opinion those employees who are not governed by the directions given in Mool Raj Upadhyaya's case as set out by us above, shall be governed by the scheme of 2000. The second question is answered accordingly.

5. Admittedly, the respondent had not completed one year i.e. 240 days of service prior to 31.12.1993. Therefore, his case is not governed by the scheme approved in Mool Raj Upadhyaya's case. Consequently, the order of the learned Tribunal is set-aside. We may, however, clarify that the regularization/grant of work charge status to the respondent shall be governed by the subsequent schemes framed by the State of Himachal Pradesh and he be regularized/granted work charge status accordingly. The writ petition is disposed of accordingly. No order as to costs.