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**(2010) 03 SHI CK 0058**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP No. 1806 of 2007**

State of H.P. and Others

APPELLANT

Vs

Shri Trilok Chand

RESPONDENT

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**Date of Decision :** 12-03-2010

**Acts Referred:**

**Citation :** (2010) 03 SHI CK 0058

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

**Bench :** Division Bench

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## Judgement

Dev Darshan Sud, J.—The State challenges the decision of the H.P. State Administrative Tribunal passed in O.A.(M) No. 258 of 2007 on 10.08.2007. The only direction issued by the Tribunal is that the Respondent be given work charged status of a Beldar w.e.f. 01.01.2001. The decision is based on the material supplied by the Petitioner-State in its pleadings before the Tribunal in the nature of Annexure R-1 which shows that the Respondent had completed ten years continuous service with minimum 240 working days in each calendar year on 31.12.2000. The Tribunal relies upon the decision in Mool Raj Upadhyaya and Ors. v. State of Himachal Pradesh and Ors. (1994) 2 SLR 377, which was later on reaffirmed in State of H.P. and Ors. v. Gehar Singh (Civil Appeal No. 1037/2007, decided on 27.02.2007).

2. Learned Additional Advocate General submits that this decision is contrary to the law laid down by the Supreme Court in Secretary, State of Karnataka and Others Vs. Umadevi and Others, We cannot accept this contention. It is undisputed before us that pursuant to the decision in Mool Raj Upadhyaya's case policy(s) for providing work charge status, regularization etc. were formulated by the State and which are uniformly applied. In this eventuality, it is not open to the State to question the decision of the Supreme Court which is being implemented by it. There is no pleading that the Respondent has been appointed as a back door entry or seeks service benefits on the basis of not being qualified etc. We do not find any merit in this writ petition which is dismissed. No order as

to costs.

3. All interim orders are vacated. All miscellaneous applications are disposed of.