

(2010) 11 SHI CK 0415
In the High Court Of Himachal Pradesh
Case No : CWP No. 3896 of 2010

Surat Ram

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 11-11-2010

Acts Referred:

Citation : (2010) 11 SHI CK 0415

Hon'ble Judges : Kurian Joseph, C.J.;V.K. Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The petition is filed with the following prayers:

(i) That Your Lordship may graciously be pleased to issue the appropriate writ, order or direction to the Respondents to grant the Petitioner work charge status w.e.f. 1.1.1995 instead of 1.1.1998 with all consequential benefits like arrear of the difference of wages alongwith 9% interest; and

(ii) That Your Lordship may further graciously be pleased to issue the writ in the nature of mandamus directing the respondents to provide the petitioner atleast two promotional avenues from the post of Forest Worker by making suitable amendment in the Recruitment & Promotion Rules for the post of Forest Guard and Clerks or by framing scheme.

2. It is seen from Annexure R-1, mandays chart that the Petitioner had completed ten years in 1995 and therefore, in view of the decision of Apex Court in Mool Raj Upadhyay v. State of H.P., the Petitioner is entitled to be conferred with the work-charge status. In case, any of the juniors to the Petitioner has been regularised prior to the Petitioner, it will be open to him to point out the same before the second Respondent, in which case, the matter will be duly examined by the second Respondent with reference to the facts and the appropriate action to render justice to the Petitioner without discriminating him will be taken within a period of one month. It is also submitted by the Petitioner that he has already made a representation before the second Respondent

regarding his promotion and the same is pending. There will be a direction to the second Respondent to look into that aspect also and take appropriate action in the matter in accordance with law within another period of four months from the date of production of a copy of this judgment along with a copy of the writ petition by the Petitioner.

3. With the above observations, the petition stands disposed of, so also the pending application(s), if any.