

(2012) 07 SHI CK 0157
In the High Court Of Himachal Pradesh
Case No : Civil Review No. 114 of 2012

The State of H.P.

APPELLANT

Vs

Sh. Nand Lal

RESPONDENT

Date of Decision : 27-07-2012

Acts Referred:

Citation : (2012) 07 SHI CK 0157

Hon'ble Judges : V.K. Ahuja, J

Bench : Single Bench

Advocate : Dheeraj Kumar Vashishat, vice Mr. Ajay Kumar, for the J.D, for the Appellant; Debender Ghosh, for the Respondent

Judgement

Justice V.K. Ahuja, J.—The respondent herein was working as a peon/ forest worker since 1991 with the review petitioners. He filed a petition for grant of regularization and work charge status on completion of 10 years of service which he completed on 31.12.2000. The respondent in the review petition had been regularized in the year 2006 though he was to be regularized in view of the decision in Mool Raj Upaddhayay Versus State of H.P. and he was entitled to be regularized as work charge employee w.e.f 1.1.2001. The Court allowed the writ petition and held that the decision in Paras Ram's case applies to the facts of the case and accordingly he shall be regularized in accordance with the decision in Paras Ram Versus State of H.P. decided on 15.3.2011. He was also to retire at the age of 58 and not 60. This Court had allowed the writ petition filed by the petitioner and it was held that the workman was to retire at the age of 60 years and not at the age of 58 years. The present review petition has been filed by the State on the ground that the respondent herein was to retire at the age of 58 and not 60, as per policy framed by the Government dated 10th May, 2001. A reference to the decision in Paras Ram's Case, relied upon by this Court, shows that the said Paras Ram was regularized in the year 2000 and as such he was to retire at the age of 60 since the policy was framed thereafter. However, in the present case, the respondent was granted work charge status on 1.1.2001 and

was regularized on 7.9.2006 and as per the policy, he was to retire at the age of 58 years. The policy had come into effect in May, 2001. Therefore, the present petition is allowed and the order passed by this Court is reviewed and it is held that the respondent shall retire at the age of 58 years in view of the policy prevalent on that date and not at the age of 60. The respondent, herein shall be entitled to work charge status w.e.f 1.1.2001 and shall be entitled to regularization on 7th September, 2006 as per the policy framed by the Government. The petition filed by the petitioner is allowed and the judgment stands reviewed accordingly.

2. Petition stands disposed of, so also the pending application(s), if any.