

31.12.2009 Present:- Mr. Kulbhushan Khajuria, counsel for the petitioner.

Mr. R.K.Sharma, Senior Additional Advocate General with
Mr. R.P.Singh, Assistant Advocate General, for the
respondents.

Mr. Kulbhushan Khajuria, learned counsel for the petitioner has submitted that present writ petition is covered by the judgment dated 14.12.2009 of Division Bench in CWP No. 4493 of 2009 for giving work charge status to petitioner. Mr. R.K.Sharma, learned Senior Additional Advocate General has not disputed the statement made by Mr. Khajuria. The learned counsel for the petitioner has submitted that petitioner has worked as daily wage Beldar with the respondents and petitioner is entitled to work charge status as beldar as per norms after condoning breaks which are very short. The learned counsel for the petitioner has not disputed the manday's chart Annexure R-III filed by the respondents with the reply. The manday's chart is as follows:-

Year	Mandays generated	Remarks
1999	234	The petitioner has not completed 240 days of required criteria during 1999, 2000 and 2001.
2000	234	
2001	170	
2002	329	
2003	365	
2004	366	
2005	365	
2006	348	
2007	364	
2008	361	

The perusal of mandays chart of petitioner indicates that in some years petitioner has worked less than 240 days. The case of the respondents is that since the petitioner has not completed 8 years of

continuous service with minimum of 240 days, therefore, he is not entitled to regularization. The perusal of petitioner's mandays chart indicates that the short fall in the work of petitioner in each calendar year is of a few days. This question has been considered by the Division Bench in CWP No. 4493 of 2009 decided on 14.12.2009 wherein the Division Bench has held as follows:-

“Consequently, in view of the definitive law laid down by their Lordships of the Hon’ble Supreme Court, the respondents ought to have condoned the shortage of few days in the years 1999, 2000 and 2001 while calculating 240 days. The petitioner has worked uninterruptedly w.e.f. 1999 to 2008. He has completed eight years of service, as prescribed under the norms laid down by the State Government for conferring work charge status.

Consequently, the respondents are directed to consider the case of the petitioner for granting him work charge status after condoning the shortage of few days in the years of 1999, 2000 and 2001 and by re-verifying the years/days w.e.f. 1.1.2002 till 31.12.2008. This exercise be completed by the respondents within a period of eight weeks from today.”

The contention raised by the learned counsel for the petitioner in the present petition is covered by the judgment dated 14.12.2009. Therefore, the petition is allowed in terms of the judgment dated 14.12.2009 in CWP No. 4493 of 2009 and the respondents are directed to consider the case of the petitioner for granting him work charge status in terms of judgment dated 14.12.2009 in CWP No. 4493 of 2009. This exercise be completed by the respondents within a period of eight weeks from today. The petition stands disposed of on above terms.

December 31, 2009.
(GR)

(Kuldip Singh)
Judge.