

**IN THE HIGH COURT OF HIMACHAL PRADESH,**  
**SHIMLA.**

**CWP No. 2560 of 2010.**

**Decided on: 31<sup>st</sup> May, 2010.**

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Ram Nath.

..... Petitioner.

Versus

State of H.P. & others.

..... Respondents.

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*Coram*

***The Hon'ble Mr. Justice Kurian Joseph, Chief Justice***  
***The Hon'ble Mr. Justice Rajiv Sharma, Judge.***

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**For the petitioner : Mr. R.L. Chaudhary, Advocate.**

**For the respondents : Mr. R.K. Sharma, Senior Additional  
Advocate General.**

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**Justice Kurian Joseph, C.J. (Oral):**

Writ petition has been filed with the following prayers:

- (i) “That writ in the nature of mandamus may kindly be issued, directing the respondents to give work charged status to the petitioner as Mason as and when the petitioner completed 8 years of service as per the policy of the respondent department and in view of ratio laid down in judgment titled Gauri Dutt Vs. State of H.P. since he was engaged in the year, 1994 and till 2007 he has served the respondent department as daily wager for 13 years as daily waged Mason with all consequential benefits such as; seniority, arrears of pay, promotion etc.

- (ii) That writ in the nature of mandamus may kindly be issued, directing the respondents to give pensionary benefit and give the retirement to the petitioner on attaining the age of 60 years in view of the fact that the petitioner was engaged in the year, 1994 and as per the policies framed in the year, 2001 and 2003 in respect of retirement and retrial benefit will not be applicable to the petitioner.”

According to the petitioner, the issue is covered in his favour by the decision of this Court in **Gauri Dutt and others** Vs. **State of H.P.** Latest HLJ 2008 (HP) 366. It is for the petitioner to file an appropriate representation before the second respondent. In case of filing such representation, the matter shall be duly considered by the second respondent and appropriate action, in accordance with law in the light of the judgment, referred above, and in view of any relevant material, shall be taken within a period of two months from the date of production of the copy of the judgment alongwith copy of the writ petition. The petition stands disposed of, so as the pending application(s), if any.

(Justice Kurian Joseph),  
Chief Justice.

(Justice Rajiv Sharma),  
Judge.

31<sup>st</sup> May , 2010  
(bhupender)