

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

**C.W.P. No. 3232 of 2009.**

**Decided on 30.06.2010.**

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**Mitter Dev and others.**

**...Petitioner.**

**-Versus-**

**State of Himachal Pradesh and others.**

**...Respondents.**

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**Coram:**

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

*Whether approved for reporting?*<sup>1</sup>No.

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**For the petitioners. : Mr. Yogesh Kumar Chandel,  
Advocate.**

**For the respondents : Mr. P.M. Negi, Deputy Advocate  
General.**

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**Rajiv Sharma, Judge (Oral):**

Petitioners claim that they were appointed as daily waged Chainman on 20.07.1992, 01.04.1992, 04.09.1992 and 09.04.1992 respectively at Kangra Division.

**2.** The case of the petitioners, in a nut-shell, is that since they had worked continuously for 10 years and completed more than 240 days in each calendar year w.e.f. 1992, they ought to have been conferred work charge status w.e.f. 2002.

**3.** Mr. P.M. Negi, learned Deputy Advocate General has argued that since the petitioners have already been regularized on 22.12.2007, they cannot seek work charge status from an anterior date

**4.** The respondents have not chosen to file any reply to the present petition.

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<sup>1</sup> *Whether the reporters of the local papers may be allowed to see the judgment?* No.

5. Since the petitioners have been engaged before 31<sup>st</sup> December, 1993, their cases were required to be considered for conferment of work charge status as per the law laid in **Mool Raj Upadhyaya** versus **State of H.P. and others**, 1994 Supplement (2) Supreme Court Cases 316 and **State of Himachal Pradesh and others** versus **Gehar Singh**, (2007) 12 SCC 43.

6. Accordingly, the writ petition is disposed of with a direction to the respondents to consider the cases of the petitioners for conferment of work charge status immediately after completion of ten years continuous service strictly as per the dicta of **Mool Raj Upadhyaya's** and **Gehar Singh's case**. It shall be open for the respondents to verify whether the petitioners had completed 10 years continuous service with 240 days in each calendar year for conferment of work charge status. The needful shall be done within a period of ten weeks from today. No costs.

**(Rajiv Sharma)**  
**Judge**

June 30, 2010.  
(bhupender)

