

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP – T No. 3077 of 2008

Date of Decision : April 30, 2010

Sh. Paras Ram Shandil

Petitioner

Versus

H.P.S.E.B. Through Secretary Vidhut Bhavan,
Kumar House, Shimla and others.

Respondents

Coram:

Hon'ble Mr. Justice Sanjay Karol, Judge.

*Whether approved for reporting?*¹ No.

For the petitioner : Mr. Dinesh Bhanot, Advocate, for the petitioner.

For the respondents : Mr. Rajeshwar Singh, Advocate, vice Mr. Shashi Shirshoo, Advocate, for the respondents.

Sanjay Karol, J. (Oral)

According to Mr. Dinesh Bhanot, learned Counsel for the petitioner, the matter in issue is squarely covered by a decision dated 4.8.2008 of this Court in CWP No. 1134 of 2001, titled as H.P. State Electricity Board versus Veena Devi. Copy of the same is taken on record.

2. The petitioner in this petition has prayed for the regularisation of his services. He claims to have completed twelve years of service as a daily wager. The fact that prior to the year 1993 petitioner was engaged in some capacity with the respondent is not in dispute. In

Whether reports of Local Papers may be allowed to see the judgment?

the return the respondents have disputed that he has been continuously working for more than 240 days in a calendar year. This petition was filed in the year 2005 and petitioner has been serving the respondents since then.

3. That a scheme was formulated by the State for giving work charged status to the employees who were working on daily wages and had completed ten years of service is not in dispute. Same stands approved by the Apex Court in *Mool Raj Upadhyaya versus State of H.P. and others*, 1994 Supp.(2) SCC 316. The fact that the respondent/Board is bound by such scheme has been noticed by the Division Bench of this Court in Veena Devi (supra) as under:-

“However, before parting with this case, we must observe that the Board has been following the policy of regularizing the employees who have completed 10 years service either in view of the scheme approved in **Mool Raj Upadhyaya Vs. State of H.P. and others 1994 Supp (2) SCC 316** case or in the light of the subsequent schemes of regularization framed by the State and made applicable to the Board. Though, we have held that we cannot grant any direction for regularization of the respondent, we do feel that the case of the petitioner is very hard one deserving sympathetic treatment from her employer. Undisputedly, she has worked with the Board for more than 20 years. From the material placed on record it is apparent that she is working as a typist and over these 20 years she must have

become an accomplished typist. All other employees of the Board who have worked for so long have been regularized. Even if the petitioner had been a daily waged employee her services would have been regularized. The only thing coming in the way of the petitioner is that she is working on contract basis. We, therefore, direct that the matter be placed before the Board of Directors of the HPSEB who on their own should consider the case of the respondent for regularization of her services, as a special case, with the sympathy it deserves. The Board may even consider relaxing the Recruitment and Promotion Rules keeping in view the long service rendered by the respondent. With these observations, the writ petition is disposed of."

4. Keeping in view the decision rendered in Veena Devi (supra), it is directed that the respondent/Board shall consider the petitioner's case for according the benefits of the scheme in accordance with law. If the petitioner is otherwise eligible and entitled for the benefits of the scheme, the same shall be accorded to him within a period of twelve weeks from the date of the receipt of the certified copy of the order. The petition stands disposed of.

(Sanjay Karol),
Judge.

April 30, 2010
(PK)