

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP(T)No.12224 of 2008.

Date of decision: 31.12.2010

Sher Singh

.... Petitioner

Versus

State of H.P & ors.

.... Respondents

Coram:

The Hon'ble Mr. Justice Deepak Gupta, J.

Whether approved for reporting ? No

For the petitioner: Mr.R.D.Kaundal, Advocate.

For the respondents: Sh.Ramesh Thakur, Asstt.Advocate
General.

Deepak Gupta, J.(Oral)

The main relief claimed by the petitioner in this case is that he should be granted work charge status w.e.f. 14.5.1990 instead of 3.6.1994. The allegation of the petitioner is that the persons who were junior to him or who were similarly situated to him and had joined on daily wages alongwith him in the year 1978 were granted work charge status w.e.f. 14.5.1990 whereas he has been granted work charge status only w.e.f. 3.6.1994.

The stand of the State is that when information was sent with regard to the persons who had to be

regularized, by mistake, the name of the petitioner was not sent. It is also apparent from the reply filed by the State that at the lower level, the Executive Engineer and the Superintending Engineer kept recommending the case of the petitioner for his regularization from 14.5.1990 but the same was refused on the ground that since the petitioner had been regularized in the year 1994, he could not be retrospectively regularized during the year, 1990. Another ground taken was that there was no vacant post available in the year 1990 after the other persons had been adjusted.

2. There is no reason why the petitioner should suffer for the mistake of the officials of the Department when the Department itself admits that the name of the petitioner was not sent due to mistake and the Department should itself rectified its own mistake.

3. Therefore, the petition is allowed with the direction that the petitioner shall be granted work charge status w.e.f. 14.5.1990 with all consequential benefits. The respondents are directed to work out the monetary dues, if any, due and payable to the petitioner, on his being granted work charge status w.e.f. 14.5.1990 and to pay the same to the petitioner on or before 29.5.2011

alongwith interest @ 6% per annum from the date when the amount fell due till the date of payment of the same. In case the dues are not made till the said date then the State shall be liable to pay interest @ 12% per annum.

The petition is disposed of in the aforesaid terms. No order as to costs.

December 31, 2010 (m)

(Deepak Gupta) Judge