

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

**CWP No. 3422/2011**

**Decided on:31.8.2011**

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**Narender Singh.**

**...Petitioner.**

**Versus**

**HPSEB and another.**

**...Respondents.**

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**Coram:**

**Hon'ble Mr. Justice Kurian Joseph, Chief Justice.**

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

**Whether approved for reporting?<sup>1</sup>**

**For the petitioner : Mr. A.K. Gupta, Advocate.**

**For the Respondents: Ms. Anjula Khajuria, Advocate.**

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**Justice Rajiv Sharma, Judge (oral).**

Case of the petitioner, in a nutshell, is that though he was engaged as T-Mate in the respondent-Board with effect from 25.5.1983, however, he has been conferred work charge status with effect from September, 1997.

2. According to Mr. A.K. Gupta his client was required to be conferred with work charge status immediately after completion of ten years continuous service as per the law laid down by their Lordships of the Hon'ble Supreme Court in ***Mool Raj Upadhaya***

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<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment?

***versus The State of Himachal Pradesh and others,***

1994 Supp (2) SCC 316. According to him, his client had completed ten years continuous service with 240 days in each calendar year.

3. According to Ms. Anjula Khajuria, petitioner had not completed ten years continuous service with 240 days in each calendar year. Mr. A.K. Gupta has argued that the case of his client is covered by the judgment rendered by the erstwhile Himachal Pradesh Administrative Tribunal in ***Jagmohan Singh and another*** versus ***H.P.S.E.B.*** decided on 7.4.2006. However, fact of the matter is that petitioner has not made any representation to the Secretary of the respondent-Board seeking conferment of work charge status after completion of ten years continuous service with 240 days in each calendar year.

4. Consequently, the present petition is disposed of and in the interest of justice petitioner is permitted to make a representation to the Secretary of the respondent-Board within a period of three weeks from today. The petitioner shall substantiate before the Secretary of the respondent-Board that he had completed ten years continuous service with 240 days in each calendar year. The representation to be made

by the petitioner shall be decided by the Secretary of the respondent-Board by passing a speaking order by taking all the pleas and grounds raised by the petitioner within three months after the receipt of the representation alongwith certified copy of this judgment. In the eventuality of the representation of the petitioner being accepted by the Secretary of the respondent-Board, he shall only be entitled to notional benefits. Pending application(s), if any, also stands disposed of. No costs.

**(Justice Kurian Joseph),  
Chief Justice.**

**(Justice Rajiv Sharma),  
Judge.**

31.8.2011  
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