

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA
CWPT No.11901 of 2008
Decided on: October 31, 2011

Rajesh Kumar Kashyap	..Petitioner
Versus	
H.P.S.I.D.C.	.. Respondent

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?¹

For the Petitioner : Mr. M.L. Sharma, Advocate.

For the Respondents : None.

Surjit Singh, Judge (oral)

Nobody appears for the respondent. Matter was taken up earlier also and was passed over. Again, it has been taken up and this time also nobody appears to represent the respondent.

2. Petitioner was appointed as a daily waged supervisor with the respondent on 1.2.1990. He completed 10 years service on 31.1.2000. During this period he had worked for 240 days in every calendar year. In accordance with the policy of Government, as applicable to the respondent, petitioner asked for conferment of work charge status. No order was passed on his request. He filed an

Whether reporters of the local papers may be allowed to see the judgment?

...2...

Original Application before the erstwhile H.P. State Administrative Tribunal in the year 2004. That application was disposed of vide order dated 27.4.2004, copy Annexure A-1, with a direction to the respondent to consider the case of the applicant and grant him appropriate relief, as per his prayer. Thereafter services of the petitioner were regularized w.e.f. 8.7.2004. Petitioner felt aggrieved by the action of the respondent in regularizing his services from 8.7.2004 instead of from 1.2.2000, by which date he had completed 10 years service. So, he filed another Original Application before the Tribunal. On abolition of the Tribunal that application has come to this Court and has been registered as the present writ petition. Petitioner seeks issuance of a direction to the respondents for regularizing his services from 1.2.2000.

3. Respondent, in its reply, has taken the plea that instructions, copy Annexure R-1, are prospective in application and, therefore, petitioner cannot be appointed from a date prior to the date when his case was considered by the competent authority, in accordance with the Tribunal's order, copy Annexure A-1.

4. I have heard learned counsel for the petitioner.

5. Even if plea of the respondent that policy, contained in letter Annexure R-1 is prospective in application, is accepted, that would not mean that the policy is applicable from the date when the case of an individual

...3...

daily waged employee is considered. It would only mean that it is applicable from the date of issue of letter, containing the policy, i.e. Annexure R-1 and the date of this letter is 6.5.2000.

6. Consequently, present petition is allowed. Respondent is directed to regularize the services of the petitioner from 6.5.2000 and to give him all the benefits, including monetary benefits, accordingly. Order be complied with by 31.1.2012.

October 31, 2011 (ss)

(Surjit Singh), J.