

IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA.

C.W.P. No. 5850 of 2012-E.
Decided on: July 31, 2012.

1. Sh. Bhagat Ram S/o Sh. Prem Dass, presently working as Forest worker in Forest Division Kunihar, District Solan, H.P.
2. Smt. Madhu Wala W/o Sh. Jagdish, presently working as Forest Worker in Forest Division Kunihar, District Solan, H.P.
3. Sh. Neem Dutt S/o Sh. Tara Chand, presently working as Forest Worker in Forest Division, Kunihar, District Solan, H.P.
4. Sh. Bhim Chand S/o Sh. Dhaula Ram, presently working as Forest Worker in Forest Division, Kunihar, District Solan, H.P.
5. Sh. Sita Ram S/o Sh. Mahantu Ram, presently working as Forest Worker in Forest Division, Kunihar, District Solan, H.P.
6. Sh. Hem Ram S/o Sh. Mathu Ram, Presently working as Forest Worker in Forest Division, Kunihar, District Solan, H.P.
7. Sh. Khem Chand S/o Sh. Kirpa Ram, presently working as Forest Worker in Forest Division, Kunihar, District Solan, H.P.
8. Sh. Ram Pratap S/o Sh. Jeet Ram, presently working as Forest Worker in Forest Division, Kunihar, District Solan, H.P.
9. Sh. Rameshwar S/o Jagjit Singh, presently working as Forest Worker in Forest Division, Kunihar, District Solan, H.P.

...Petitioners.

-Versus-

1. State of H.P. through Secretary (Forest) Government of H.P., Shimla – 2.
2. The Chief Conservator of Forest, Shimla, H.P.

3. The Divisional Forest Officer, Forest Division,
Kunihar, District Solan, H.P.

...Respondents.

Coram

The Hon'ble Mr. Justice Kurian Joseph, Chief Justice.
The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.

For the petitioners. : Ms. Archana Dutt, Advocate.

For the respondents. : Mr. R.K. Bawa, A.G. with Mr.
Ankush Dass Sood, Addl. A.G.

Justice Kurian Joseph, C.J. (Oral):

The petitioners claim the benefit of the decision of the Supreme Court in ***Mool Raj Upadhyaya vs. State of H.P., 1994 Supp. (2) SCC 316*** and claim work charge status on completion of ten years of daily waged service with 240 days per year. In any case, as rightly pointed out by the learned Advocate General, there cannot be work charge status prior to 1.1.1994. The claim for regularization will be considered only subject to the availability of vacancies. All these aspects, the petitioners pray, they may be permitted to bring to the notice of the 2nd respondent/competent authority. It is open to them to do so. In the event of the petitioners filing appropriate representation(s), furnishing their service particulars, the matter will be considered and appropriate action will be taken, in accordance with law, within four months from the date of production of a copy of this judgment along with the representation by the petitioner concerned before the 2nd respondent/competent authority.

The writ petition is disposed of, so also the pending application (s), if any.

(Justice Kurian Joseph),
Chief Justice.

(Justice Dharam Chand Chaudhary),
Judge.

July 31, 2012
(ss/sck)

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