

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

CWP No.: 7340 of 2012-D.

Date of decision: 31.08.2012.

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1. Shri Karam Dass son of Sh. Hisru Ram, resident of Village and P.O. Jubli, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
2. Shri Mila Ram son of Sh. Jeet Ram, resident of Village and P.O. Khanda, Tehsil Chopal, Distt. Shimla, H.P. presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
3. Shri Mohar Singh son of Sh. Ramsha Ram, resident of Village and P.O. Majholi, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
4. Sh. Mohan Singh son of Sh. Dheeraj Singh, resident of Village Tikar, P.O. Kulag, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
5. Sh. Sant Ram son of Sh. Shobha Ram, resident of Village Bora, P.O. Kulag, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
6. Sh. Montu Ram son of Sh. Shakua, resident of Village and P.O. Khanda, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
7. Sh. Hukmi Ram son of Sh. Kali Ram, resident of Village and P.O. Jubli, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
8. Shri Tulsi Ram son of Sh. Binia Ram, resident of Village and P.O. Kulag, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
9. Sh. Kinkru Ram son of Sh. Mani Ram, resident of village Panch Bhaaia, P.O. Kharahan, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
10. Sh. Mehar Singh son of Sh. Giaru, resident of Village Mahesh, P.O. Daiya, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
11. Sh. Mangat Ram son of Sh. Khaiyan Ram, resident of Village Bouth, P.O. Dhar, Tehsil Chopal, Distt. Shimla, H.P., presently

serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.

- 12. Sh. Mohar Singh son of Sh. Khatri Ram, resident of Village and P.O. Bagh, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
- 13. Sh. Jhuan Ram son of Sh. Sania Ram, resident of Village Sharad, P.O. Dhar, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
- 14. Shri Birbal son of Sh. Bhup Singh, resident of Village Tikar, P.O. Kulag, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
- 15. Sh. Laiq Ram son of Sh. Khainya Ram, resident of Village Banah, P.O. Khando, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.
- 16. Sh. Dilam Singh son of Sh. Hukmi Ram, resident of Village and P.O. Jubli, Tehsil Chopal, Distt. Shimla, H.P., presently serving as a Forest worker in Forest Division Chopal, Distt. Shimla, H.P.

... Petitioners.

Versus

- 1. The State of H.P. through the Principal Secretary (Forests) with Headquarter at Shimla, H.P.
- 2. The Principal Chief Conservator of Forests with Hqr. At Shimla, H.P.
- 3. The Divisional Forests Officer, Forest Division Chopal, Distt. Shimla, H.P.

... Respondents.

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**Coram**

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

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For the petitioners	:	Mr. A.K. Gupta, Advocate.
For the respondents	:	Mr. R.K. Bawa, Advocate General with. Ankush Dass Sood, Addl. AG and Mr. J.K. Verma, Dy. AG.

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**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 Deputy Advocate General, there cannot be work charge status prior to 1.1.1994. The claim of the petitioners 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 third 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 alongwith the representation(s) by the petitioner concerned before the third respondent/competent authority.

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

(Justice Kurian Joseph)  
Chief Justice.

(Justice Dharam Chand Chaudhary)  
Judge.

August 31, 2012  
(*sck*).