

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA.

CWP No.: 7328 of 2012-C

Date of decision: 31.08.2012

Sh. Jagat Singh son of Sh. Chhaju Ram, resident of Village Juru, P.O. Kupvi, Tehsil Chopal, Distt. Shimla, H.P. presently serving as a Chainman/Forest Worker under Collector, Forest Settlement Solan and Sirmour at Nahan, H.P.

..Petitioner.

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 Collector, Forest Settlement, Solan and Sirmour at Nahan, H.P.

..Respondents.

Coram

The Hon'ble Mr. Justice Kurian Joseph, C.J.

The Hon'ble Mr. Justice Dharam Chand Chaudhary, J.

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

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

Justice Kurian Joseph, C.J. (Oral)

Petitioner essentially seeks the benefits of Annexure P-1, award of the Labour Court. The Labour Court has awarded the reinstatement of the petitioner with seniority and continuity in service. What was denied is only the back wages. Once there is an award regarding continuity of service, that period has to be treated for all purposes except the payment of back wages. Therefore, the petitioner has to be deemed to be in continuous service even after 16.9.2008. In

case the petitioner is otherwise entitled for regularization, deeming that the petitioner has been in service continuously from 16.9.2008, all the eligible benefits shall be granted to him. The needful will be done within a period of three months from the date of production of a copy of this judgment by the petitioner before the 1st respondent. We make it clear that the direction, as above, is subject to the finality that is attained to Annexure P-1, award.

2. With the above observations, 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/naveen*)