

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 9222 of 2012-C.

Decided on: December 31, 2012.

Shri Prem Singh son of Shri Ratti Ram, resident of Village Kothi, PO Malat,
Tehsil Chopal, District Shimla, H.P.

.....Petitioner.

Versus

1. State of Himachal Pradesh through its Secretary (Forest), to the Govt.
of Himachal Pradesh, Shimla-2.
2. The Principal Chief Conservator of Forest, Government of Himachal
Pradesh, Talland, Shimla, H.P.
3. The Divisional Forest Officer, Forest Division Chopal, District Shimla,
H.P.
4. Shri Roshan Son of Shri Motia, resident of Village and PO Jubli, Tehsil
Chopal, District Shimla, H.P.

.....Respondents.

Coram

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

The Hon'ble Mr. Justice Sanjay Karol, Judge.

For the petitioner: Mr. Sanjeev Mankotia, Advocate, vice counsel.

For the respondents: Mr. Shrawan Dogra, AG with Mr. J.K.Verma, Dy. AG, for
respondents No. 1 to 3.

Justice Kurian Joseph, C.J. (Oral)

The petitioner is aggrieved since he is not granted full benefits
flowing out of Annexure P-2, award dated 1.6.2010, passed by the Labour Court-
cum- Industrial Tribunal, Shimla, in reference No. 103 of 2006.

2. It is seen from the award that the petitioner has been granted
reinstatement, seniority and continuity in service. What is denied is only back
wages. If that be so, for all purposes, except monetary benefits, petitioner shall be
deemed to be in continuous service. In case the petitioner has completed the
required number of years, he be considered for regularization in terms of the
policy prevailing at the relevant time. However, we make it clear that the
regularization would depend upon the availability of vacancy and seniority of the
petitioner, but taking the period as continuous service. Still further we make it
clear that the implementation of the order as above shall be subject to the finality

attained to the award referred to above. Needful shall be done within a period of three months from the date of production of a copy of this judgment alongwith a copy of the writ petition by the petitioner before the third respondent.

3. The Writ Petition is disposed of, so also the pending application(s), if any.

(Justice Kurian Joseph),
Chief Justice.

December 31, 2012,
(karan/vs)

(Justice Sanjay Karol),
Judge.