

IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA.

C.W.P. No. 10126 of 2012-C
Decided on: 30th November, 2012

1. Hirda Ram, son of Shri Daulat Ram, resident of Village Chuli, Post office Dadahu, Tehsil Sangarh, District Sirmaur, Himachal Pradesh.
2. Om Parkash, son of Shri Hirda Ram, resident of Village Jaitak, Post Office Jamta, Tehsil Nahan, District Sirmaur, Himachal Pradesh.
3. Kishan Singh, son of Shri Sunder Singh, resident of Village Satna Kiartoo, Post Office Jamta, Tehsil Nahan, District Sirmaur, Himachal Pradesh.

..... Petitioners.

-Versus-

1. State of Himachal Pradesh through Principal Secretary (PW) to the Government of Himachal Pradesh, Shimla-2.
2. Engineer-in-Chief, Himachal Pradesh, Public Works Department, Shimla-2.
3. Executive Engineer, Himachal Pradesh Public Works Department, Nahan, District Sirmaur, Himachal Pradesh.

..... Respondents.

.....
Civil Writ Petition under Article 226 of the
Constitution of India.

Coram

The Hon'ble Mr. Justice Kurian Joseph, Chief Justice.
The Hon'ble Mr. Justice Rajiv Sharma, Judge.

For the petitioners : Mr. Rupinder Singh, Advocate.

For the respondents. : Mr. R.K. Bawa, A.G., with Mr.
Anshul Bansal, 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** Vrs. **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 counsel for the respondents, there cannot be work charge status prior to 01.01.1994. 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 second respondent. 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 petitioners before the second respondent.

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

(Justice Kurian Joseph),
Chief Justice.

(Justice Rajiv Sharma),
Judge.

November 30, 2012.
(bhupender/kalpana)