

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CWP No. 5833 of 2010  
Date of Decision: 30.12.2016**

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**Tej Ram**

**.....Petitioner.**

**Versus**

**State of HP and Ors.**

**....Respondents.**

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Coram

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**

**Whether approved for reporting<sup>1</sup>?**

For the petitioner: Mr. Anil Thakur, Proxy Counsel.

For the respondents: Mr. P.M. Negi, Additional Advocate General  
with Mr. Ramesh Thakur, Deputy Advocate  
General.

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**Sandeep Sharma, J.** (Oral)

Sequel to actual date intimation notice, petitioner has come present before this Court today.

2. By way of present petition, petitioner has sought direction to convert the post of part-time helper to daily wager in terms of Annexure-P/3 i.e. letter dated 13.10.2009, issued by the Department of Personnel (Apptt.II), perusal whereof suggests that Government has taken policy decision to convert the part time class-IV employees having completed ten years continuous service as on 31<sup>st</sup> March, 2005 in all Departments except Education and Ayurveda

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Whether reporters of the Local papers are allowed to see the judgment?

Departments to daily wager subject to certain conditions, which are reproduced herein below:-

***“(i) Part-Time Class-IV employees having completed ten years of continuous service as on 31<sup>st</sup> March, 2009 will only be made daily wager. Posts vacated by such part-time employees shall stand abolished.***

***(ii) The orders to this effect will be issued at the level of Head of Departments after verifying the facts.***

***(iii) For the determination of date of birth of the candidate concerned, criterion as laid down in Rule 7.1 of HPFR Vol-I shall be observed.***

***(iv) The conversion to daily wager status shall only be from prospective effect i.e. after the date the orders are issued after completion of all codal formalities.***

***(v) Such Part-Time workers, who have been engaged without being sponsored by the Employment Exchange, may be given relaxation while conversion.***

***(vi) After converting the Part-Time employees as daily wager the information should come to the Finance Department for effective monitoring.”***

3. Reply filed by respondents No. 1 to 3 suggests that petitioner was appointed as part-time worker on 20.6.2000 in the office of District Welfare Officer, Kullu, District Kullu, and as such, he continued to work till 20.6.2000 i.e. prior to framing policy dated 13.10.2009, which has been taken note herein above. Respondents-State also formulated policies on 27.2.2004 as well as 5.7.2007, providing therein that only those part time workers, who have completed ten years' continuous service as on 31.12.2003 and on 31.3.2006, in all departments, except Education and Ayurveda, would be converted into daily wagers. Since petitioner had joined his services as part time worker on 20.6.2000, he completed ten years continuous service on 20.6.2010, whereas as per policy dated

13.10.2009, part time Class-IV employees, who had completed 10 years continuous service as on 31.3.2009 were to be converted to daily wager that too subject to certain conditions as stated herein above. Petitioner, who is present in Court informed that he has been already made daily wage worker w.e.f. 20.6.2010.

4. Petitioner, in the present petition, has also sought direction to notify and reserve vacancies for the disabled persons and persons with orthopedically handicapped (locomotor impair). Respondents have specifically stated in their reply that State Government is providing 3% reservation to persons with disabilities as per the provision of persons with Disabilities Act, 1995. As per the prevailing norms reservation stands provided to Visually Impaired, Hearing Impaired and Orthopedic Impaired in the ratio of 1:1:1 and the departments are required to seek exemption from the purview of reservation in case they consider the category/nature of the post not fit to be manned by the disabled person/category. Respondents further stated that there is no provision to fill up the posts from the part time workers against reserved posts under persons with Disabilities Act and posts reserved under persons with Disabilities Act are being filled up through direct recruitment. Reply further suggests that as of today, there is no policy formulated by the State Government to regularize the services of the part time workers directly to Class-IV posts.

5. In view of the aforesaid reply having been filed by the respondents, second relief cannot be granted to the petitioner in the present petition. At this stage, Mr. P.M. Negi, learned Additional Advocate General duly assisted by Mr. Ramesh Thakur, learned Deputy Advocate General, stated that case of the petitioner would be considered for regularization as per policy of the Government, if any for regularization.

6. Consequently, in view of the aforesaid, present petition is disposed of with direction to respondents to consider the case of the petitioner for regularization in terms of policy, if any, formulated by the respondents in near future. Pending applications, if any, stand disposed of accordingly.

**30<sup>th</sup> December, 2016**  
*manjit*

**( Sandeep Sharma ),**  
**Judge.**