

THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 565 of 2020
Decided on: 31.01.2020

Mohan Lal	Petitioner
	Versus	
State of H.P and others	Respondents

Coram

The Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹ No.

For the petitioner:	Mr. Pradeep K. Sharma, Advocate.
For the respondents:	Mr. Ranjan Sharma, Addl. A.G with Mr. Sudhir Bhatnagar, Addl. A.G and Ms. Svaneel Jaswal, Dy. A.G.

Jyotsna Rewal Dua, J. (Oral)

Issue notice. Mr. Sudhir Bhatnagar, learned Additional Advocate General waives service of notice on behalf of respondents. With consent of the parties, taken up for disposal today. In view of nature of order being passed, no reply is required to be called from respondents.

2. This writ petition has been filed with the following prayers:

- "i) *That the respondents may kindly be directed to regularize the services of the petitioner from 26.11.2015 instead of 07.10.2016 and for releasing all the consequential benefits including seniority and the entire arrears alongwith interest w.e.f. 26.11.2015 in the interest of justice.*
- ii) *That the respondents may kindly be directed to consider the case of the petitioner and grant all benefits as has been done in Original Application No. 2848 of 2019, titled*

¹Whether the reporters of Local Papers may be allowed to see the judgment? Yes.

as Ishwari Devi & Others versus State of H.P. & Others being similarly situated.”

3. Learned counsel for the petitioner submits that the issue raised in this writ petition had been adjudicated upon in CWP No. 5383 of 2014 titled **Batti Devi and others vs. State of H.P and others** vide judgment dated 09.04.2015. The petitioners therein were engaged as Water Carrier on Part time basis in the year 1997 and were conferred daily wage status on 16.12.2012 instead of 2007. Petitioners therein were deemed to have been conferred daily wage status w.e.f. 2007. The respondents in that case had further been directed to consider the petitioners of CWP No. 5383 of 2014 for regularization as per the policy formulated by the State Government. It has further been submitted by the learned counsel for the petitioner that various cases on the basis of aforementioned judgment had been decided, one such case has been brought on record i.e. Original Application No. 2848 of 2019 titled **Ishwari Devi and others vs. State of Himachal Pradesh and another**, decided on 11.07.2019. Further, it has been submitted that the aforementioned judgment in *Ishwari Devi's* case has been implemented by the respondents. Learned counsel has placed on record the order dated 3.12.2019 (Annexure P-7) passed in this regard. It has been submitted that petitioner is similarly situated and entitled for same benefits and prays for grant of similar benefits.

4. In view of the above submissions, this writ petition is disposed of with a direction to the 2nd respondent to consider the case of the petitioner in the light of the aforementioned judgments and in the light of order dated 03.12.2019 and decide the same within six

weeks in accordance with law and pass appropriate order. Liberty is reserved to the petitioner to approach this Court again in case the need arises. It is clarified that this Court has not expressed any opinion on the merits of the matter and all rights and contentions of the parties are left open. Pending application(s), if any, shall also stand disposed of.

(Jyotsna Rewal Dua)
Vacation Judge

January 31, 2020
(naveen)