

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.10447 of 2024

Date of Decision: 28.02.2025

Param Dev	VersusPetitioner
State of Himachal Pradesh & Ors.		... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

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

For the Respondents: Mr. Ravi Chauhan, Mr. Balvinder Singh, & Mr. Anish Banshtu, Deputy Advocate General, for respondents-State.

Sandeep Sharma, Judge(oral):

By way of instant petition, petitioner has prayed for the following main relief:-

“(i) That the respondents may be ordered to grant work charge status to the petitioner on completion of eight years service, with all benefits incidental thereof.”

2. Pursuant to notices issued in the instant proceedings, respondent-State has filed reply, perusal whereof reveals that petitioner was initially engaged in the year 1989 and thereafter, on completion of ten years of continuous service with 240 days in each calendar year, he was conferred work-charged status w.e.f 01.01.1992 by the Superintending Engineer, Jal Shakti Circle,

¹Whether the reporters of the local papers may be allowed to see the judgment?

Sundernagar, in light of judgment rendered by Hon'ble Apex Court in ***Mool Raj Upadhyay Vs. State of Himachal Pradesh.***

3. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. A.K.Gupta, learned counsel for the petitioner, is that as per the policy formulated by Government of Himachal Pradesh in the year 2000, petitioner ought to have been conferred work-charged status on completion of eight years service, but since such claim of him was rejected, he was compelled to approach this Court in the instant proceedings, praying therein for the reliefs as have been reproduced hereinabove.

4. While making this Court peruse copy of office order dated 08.11.2023 (***Annexure P-2***) issued under the signatures of Executive Engineer, Jal Shakti Division, Dharampur Bharari, District Mandi, Himachal Pradesh, Mr. A.K.Gupta, learned counsel for the petitioner, states that persons similarly situate to the petitioner were granted benefit of work-charge status after his having completed eight years service in terms of judgment rendered by Division Bench of this Court in Suraj Mani's case, which has been now further upheld by Hon'ble Apex Court vide judgment dated 06.02.2025 in Civil Appeal No. 1595 of 2025 titled as ***State of HP Vs. Suraj Mani and Ors.***

5. Having perused copy of order dated 06.02.2025 passed in SLP, as detailed hereinabove, filed by the respondent titled as

State of Himachal Pradesh Vs. Suraj Mani & Ors., there appears to be merit in the contention of Mr. A.K.Gupta, learned counsel for the petitioner, that petitioner is entitled for grant of work-charge status on completion of eight years service, but on notional basis. Though, in the instant case, petitioner was engaged in the year 1989, but since he completed eight years of service with 240 days in each calendar year w.e.f 01.01.1992 to 01.01.2000, he is entitled to be conferred work-charge status w.e.f. afore date, in terms of judgment passed by Division Bench of this Court in ***Suraj Mani*** (supra), which has been further upheld by Hon'ble Apex Court vide judgment dated 06.02.2025, as taken note hereinabove.

3. Consequently, in view of above, present petition is allowed and respondents are directed to grant work-charge status to the petitioner after his having completed eight years service with 240 days in each calendar year w.e.f 01.01.1992 to 01.01.2000 on notional basis in terms of judgment passed in ***Suraj Mani*** (supra).

(Sandeep Sharma),
Judge

February 28, 2025
(Sunil)