

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWPOA No. 6624 of 2019.

Reserved on : 20th April, 2021.

Decided on : 24th April, 2021.

Daulat Ram & Ors.

...Petitioners.

Versus

State of H.P. & others

....Respondents.

Coram:

The Hon'ble Mr. Justice Sureshwar Thakur, Judge.

Whether approved for reporting?'

For the Petitioner:

Mr. A.K. Gupta, Advocate

For the Respondents:

Mr. Ashwani Sharma, Additional
Advocate General with Mr. Vikrant
Chandel, Dy. A.G.

Sureshwar Thakur, Judge.

The writ petitioners claim, for conferment of work charge status, upon, them, on completion of eight years of daily wage service under the respondents, hence becomes denied, by the respondents rather strikingly, upon, the singular ground of no work charge establishment being available with the respondents.

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

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2. Even if, the afore resistance to the writ claim, is echoed in the reply on affidavit, furnished to the writ petition by the respondents. However, the afore resistance per se appears to be a gross mis-endeavour, on the part of the respondents, rather to deprive the writ petitioners, from, being granted the writ claim. The afore inference is strengthened from the reflections occurring in Annexure P-1/A, wherein a daily wage worker, under the respondents, one Tedi Singh, inasmuch as on 28.01.2019, rather came to be hence conferred with a work charge status. The drawing of Annexure P1/A does efficaciously blunt the effect, if any, of the reply on affidavit furnished to the writ petition by the respondents, with a display therein, that through Annexure R-2, prepared on 24.09.2015, hence, prior to the making of Annexure P-1/A, a decision has been taken to disband the work charge establishment. Obviously, hence Annexure R-2, is a fictitiously drawn document, merely for wreaking injustice upon the daily wage workers concerned, and, also to deprive them from the benefit of conferment of work

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charge status upon them, in pursuance to the verdicts rendered by courts of law.

3. For the foregoing reasons, there is merit in the extant petition, and, it is allowed. Consequently, the respondents are directed to forthwith, in accordance with the policies of the government, confer work charge status, upon, the writ petitioners, along with all consequential benefits. If they have completed the requisite qualifying service, hence the respondents are also directed, to, in accordance with expostulations enshrined in a catena of verdicts rendered by the courts of law, to regularise their services against the substantive posts alongwith all incidental thereto benefits. All pending applications also stand disposed of. No costs.

(Sureshwar Thakur)
Judge

24th April, 2021.
(jai)