

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

LPA No.579 of 2012 alongwith
LPA No.578 of 2012, LPAs No79 &
147 of 2013, LPA No.118 of 2015
and CWP No.814 of 2016
Decided on:23.03.2023

1. LPA No.579 of 2012

The State Government of Himachal and Others	Versus	Appellants
Laxmi Chand		...Respondent

2. LPA No.578 of 2012

The State Government of Himachal and Others	Versus	Appellants
Karam Dass & Another		...Respondents

3. LPA No.79 of 2013

The State Government of Himachal and Others	Versus	Appellants
Satish Kumar		...Respondent

4. LPA No.147 of 2013

The State Government of Himachal and Others	Versus	Appellants
Roshan Lal		...Respondent

5. LPA No.118 of 2015

The State Government of Himachal and Others	Versus	Appellants
Sita Ram		...Respondent

6. CWP No.814 of 2016

The State Government of Himachal
and Others

.....Appellants

Versus

Shankuntla Devi

...Respondent

Coram:

Hon'ble Ms. Justice Sabina, Acting Chief Justice.

Hon'ble Mr. Justice Satyen Vaidya, Judge.

Whether approved for reporting?

For the appellant(s) : Mr. Rakesh Dhaulta, Additional Advocate General, for the appellants, in all the appeals and for the petitioner in CWP No.814 of 2016.

For the respondent(s) : Mr. Arun Kaushal, Advocate, for the respondent in LPAs No.79 and 147 of 2013.

Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rakesh Chauhan, Advocate, for respondents in LPAs No.579 & 118 of 2015.

Mr. Bhuvnesh Sharma, Senior Advocate with Mr. Parav Sharma and Mr. Rahul Thakur, Advocates, for the respondent in CWP No.814 of 2016.

Sabina, Acting Chief Justice(Oral).

Vide this order, above mentioned Letters Patent Appeals and writ petition, would be disposed of, as they involve common issue.

2. Mr. Rakesh Dhaulta, learned Additional Advocate General, has submitted that there was no Policy in the Ayurveda Department for converting the Part Time Employees to Daily Wagers and thereafter regularizing their services.

3. Mr. Sanjeev Bhushan, learned Senior Counsel for the respondents, on the other hand, has opposed the submissions made by learned Additional Advocate General and has submitted that the issue involved in the present case was no longer *res integra*. In fact, this Court in various decisions, had held that the General Policy regarding regularization of Part Time Workers, was to be followed in Ayurveda Department as well. The said view was taken by Division Bench of this Court in CWP No.2804 of 2012, decided on 24.04.2012; CWP No.1119 of 2012, decided on 06.03.2012; & CWP No.1565 of 2012, decided on 20.03.2012. Learned Senior Counsel has further submitted that the decisions passed in the said writ petitions have been duly implemented by the State and have attained finality.

4. Order passed in CWP No.2804 of 2012, dated 24.04.2012, reads as under:-

“The petitioners are part time workers. They pray that they may be treated as whole time contingent employees on completion of 10 years' part time service and thereafter, may be regularized in service after 8/10 years of service, in terms of the policy.

2. In several cases, we have held that the general policy regarding regularization of part time workers should be followed in the Ayurveda Department, as well. Therefore, the writ petition is disposed of, as follows:-

On completion of 10 years' part time continuous service, the petitioners shall be made as whole time contingent employees and, thereafter on completion of 8/10 years as

whole time contingent, as the case may be, they may be regularized in service. It is made clear that in case any of the petitioners is thus made whole time contingent with effect from anterior date, his entitlement for actual benefits as whole time contingent will be only with effect from today.

3. The pending application(s), if any also stands disposed of.”

5. Similar orders were passed in CWP No.1565 of 2012 and CWP No.1119 of 2012.

6. Thus, the issue involved in the present Letters Patent Appeals and Writ Petition, is no longer *res integra*. The decisions given by this Court in CWP No.2804 of 2012, decided on 24.04.2012; CWP No.1119 of 2012, decided on 06.03.2012; & CWP No.1565 of 2012, decided on 20.03.2012, have admittedly been duly implemented and have attained finality.

7. Consequently, all the Letters Patent Appeals No.578 & 579 of 2012, 79 & 147 of 2013, 118 of 2015 as well as Civil Writ Petition No.814 of 2016, are dismissed.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(Sabina)
Acting Chief Justice

March 23, 2023
(Yashwant)

(Satyen Vaidya)
Judge