

IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA

CWPOA No.7270 of 2019

Decided on : 24.12.2025

Bhan Chand

.....Petitioner

Versus

State of Himachal Pradesh and others

....Respondents

Coram

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹ *Whether approved for reporting? No.*

For the petitioner: Mr. Onkar Jairath, Advocate.

For the respondents: Ms. Seema Sharma, Deputy
Advocate General.

Ranjan Sharma, Judge

Petitioner, Bhan Chand, had initially filed an Original Application No.2140 of 2016 before Himachal Pradesh Administrative Tribunal and upon abolition of Tribunal, the matter came to be transferred to this Court as CWPOA No.7270 of 2019, seeking the following relief:-

“7(i) That the Respondents may be directed to regularize the services of the Applicant w.e.f. May, 2002 or in alternate from the day the services of his junior have been regularized, with all consequential benefits.”

2. *During pendency of the instant petition, the petitioner has filed an application [CMP (T) No.381 of 2025, seeking addition of Prayer Clause (ii) by way of*

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

instant application, which reads as under:-

“7(ii) That in alternate a writ in the nature of “Mandamus” and any other writ, order or direction may kindly be issued directing the Respondents to extend the benefit of work charge status to the Applicant w.e.f. 06.10.1997, i.e. the day he completed 8 years of service on daily waged basis, along with all consequential benefits in the light of the law laid down vide judgment of this Hon’ble Court.”

3. Application for amendment [***CMP(T) No.381 of 2025***] was listed before this Court on 25.11.2025 when, the State Authorities were directed to file Reply within two weeks. Reply has not been filed to the application as yet.

In view of non-filing of Reply, coupled with the fact that amended prayer relates to the relief of work charge status as per the law declared by the Hon’ble Supreme Court of India in the case of ***State of Himachal Pradesh & Others versus Surajmani and Another [Civil Appeal No.1595 of 2025 and other connected matters***, decided on 06.02.2025, this Court allows and disposes of the application for amendment i.e. *CMP(T) No.381 of 2025*. Amended Prayer Clause is already on record, which shall form the part of instant petition.

4. At this stage, Learned Counsel for the

petitioner states that the petitioner shall be satisfied, in case, the State Authorities examine the case of the petitioner for grant of work charge status as per mandate of the Hon'ble Supreme Court in the case of **Surajmani [supra]** from the date he completes 8 years of continuous daily wage service.

5. *Per contra*, Learned State Counsel states that the State Authorities shall examine the claim for work charge status in light of mandate in the case of **Surajmani [supra]** but, actual monetary shall be limited to “**notional benefits**”, without any past-arrears.

6. Taking into account the above *factual matrix and declaration of law in the case of Surajmani [supra]*, this Court disposes of the instant petition, *in the following terms:-*

- (i) As prayed, petitioner shall make a representation to the appropriate authority, for claiming consideration for work charge status in terms of the judgment in the case of **Surajmani [supra]**;
- (ii) Upon receipt of such representation, the competent authority [*Respondents No.2 and 3 as the case may be*] shall examine the

representation in the light of judgment in the case of ***Surajmani [supra]***; and upon acceptance of representation, if any, the relief shall be limited to “**notional benefits**”, but without any past-arrears;

(iii) *Needless to say*, this Court has not adverted to the rival claims/contentions, which shall be examined by the competent authority i.e. Respondents No.2 and 3 as the case may be, in the light of the judgment in the case of ***Surajmani [supra]***, within a period of six weeks from the date of receipt of representation;

(iv) Costs made easy for respective parties.

In aforesaid terms, instant petition stands disposed of alongwith pending miscellaneous application(s), if any.

(Ranjan Sharma)
Judge

December 24, 2025
[Bhardwaj]