

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No. 3369 of 2020

Date of decision: 29.09.2026.

Goverdhan Dulta ...Petitioner.

Versus

State of H.P. & others ...Respondents.

Coram:

The Hon’ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?¹

For the petitioner : Mr. Digvijay Singh Bisht, Advocate.

For the respondents : Mr. Gautam Sood, Deputy Advocate General.

Ranjan Sharma, Judge:

Petitioner, Govardhan Dulta, had initially filed Original Application No. 6009 of 2017 before the erstwhile State Administrative Tribunal; and upon its abolition; the matter has been transferred to this Court as CWPOA No. 3369 of 2020, seeking the following reliefs:-

- “a) Directing the respondents to grant him regularization and all consequential benefits and monetary benefits with retrospective effect from the date of completing 8 years of service.
- b) Directing the respondents to consider the seniority of the applicant from date of his regularization.”

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

2. Upon listing of the case today, Learned Counsel for the petitioner, on instructions, states that the petitioner confines his claim only with respect to prayer 6 (a) and the claim with respect to seniority is not being pressed in present proceedings.

FACTUAL MATRIX:

3. Grievance of the petitioner is that he was appointed as literate Mazdoor in Respondent No. 3-Corporation in Sarswati Nagar Division at Sawra, on 03.07.1989 and since then he was assigned the work of an Office Helper [re-designated as Clerk] on daily wage basis and he continued to work as Office Helper till 08.11.2007, when, he was declared surplus and was thereafter sent to the Respondent-Education Department, where he was regularized by the Respondents on 12.11.2007.

4. In this backdrop, the claim is that the petitioner may be considered for regularization from the date of completion of ten years or alternatively from the date of completion of eight of continuous daily wage service, when, his Juniors Dilo Ram and Surinder Kumar were given these benefits, but the Respondents have neither considered nor granted the regularization to the petitioner as Office Helper from due date till date.

STAND OF STATE AUTHORITIES:

5. Upon issuance of notice, Respondents No. 2 and 4-Director of Higher Education has filed the Reply Affidavit dated 23.02.2018, stating that the claim is highly delayed. It is averred that the petitioner served in the Respondent No.3-Corporation from 1989 to 2007 and he was absorbed in Education Department as a Clerk on 08.11.2007 and since the petitioner had never served in Education Department prior to his absorption as Clerk, and therefore, Respondent-Education Department has objected to the prayer for retrospective regularization from the date of completion of eight years of continuous service.

NO REPLY BY RESPONDENT CORPORATION:

6. Though, the Respondent No. 3-Corporation was duly represented, but no response has been filed by the Corporation.

STATEMENT BY LEARNED OCUSEL FOR PETITIONER:

7. Upon listing of the case today, Learned Counsel submits that the petitioner shall be satisfied, in case, the respondents are directed to examine/consider the case of the petitioner for grant of regularization or work charge status from the date of completion of eight years of continuous service in terms of the judgment passed by the Coordinate Bench of this Court on 17.07.2025, in CWP No. 11141 of 2024, titled as

Urmila Devi vs. State of Himachal Pradesh and others, wherein, it is asserted, that a similar Daily Wager/Office Helper, who had served in Respondent No.3-Forest Corporation and was absorbed/transferred to Education Department was granted benefit of work-charge status from the date of completion of eight years of continuous daily wage service regularization from an earlier date, by the State Authorities, and, therefore, the case of the petitioner being *pari-materia* may be considered on analogy of **Urmila Devi** (supra) [*Statement Taken on Record*].

8. *Per contra*, Learned State Counsel submits that the facts ratio of the judgment in the case of **Urmila Devi** (supra) and its applicability needs to be examined by the State Authorities; and, upon examination, in case, the petitioner is found to be eligible and entitled to, then only, necessary action shall be taken, by the Respondents.

DIRECTIONS:

9. Considering the prayer made by Learned Counsel for the petitioner and leaving all questions open, and without adverting to merits, this Court disposes of the instant petition in following terms:-

- (i) State Authorities-Respondents shall examine the case of the petitioner for

conferment of work-charge status from the date of completion of eight years of continuous daily wage service and for regularization from an anterior date, without discriminating the petitioner in terms of the mandate of the Coordinate Bench of this Court in the case of ***Urmila Devi*** (supra) within a period of six weeks from today;

- (ii) Upon consideration, in case the petitioner is found to be similarly placed on facts as well as in law, then resultant consequential action be taken by the State Authorities/Respondents within the above period;
- (iii) Needless to say that this Court has not adverted to the rival claims and contentions, which are left open to be considered/examined by the Respondents hereinafter;
- (iv) No order as to costs.

In the aforesaid terms, the instant petition and all pending applications, if any, shall accordingly stand disposed of.

(Ranjan Sharma)
Judge

September 29, 2026.
(kck)