

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.7521 of 2020

Decided on: 20.08.2026

Mohd. Sazid

...Petitioner

Versus

State of H.P. and others

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioner:

Mr. Bonit Prakash, Advocate vice
Mr. A.K. Gupta, Advocate.

For the respondents:

Mr. Sumit Sharma, Deputy Advocate
General.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present petition has prayed for regularization of his services after completion of eight years service with all the benefits incidental thereof.

2. The facts as emerge from the pleadings are that the petitioner was engaged as daily wage Beldar in the respondents- Department in the year 1990, however, he did not work with 240 days till 1998. The petitioner had completed 240 days in each calender year from 1999 onwards. Despite completion of eight years services, he was not granted the work-charge status, but his services were regularized on 28.01.2012, i.e. after a gap of five

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

years after completion of eight years service, which has caused a lot of prejudice to him. It has been averred that the claim of the petitioner came to be rejected vide office order dated 27.12.2018, on the ground that he though had completed eight years continuous services with 240 days as on 31.12.2006, but as per the policy decision, his services were to be regularized from prospective date i.e. from the date when regularization orders were issued by the competent authority after completion of all codal formalities.

3. It has been averred that the approval of post was received in the Division Office on 27.01.2012 and accordingly, order was issued by the competent authority on 28.01.2012. The work charge establishment has ceased to exist in the respondent-Department and hence, the petitioner is not entitled for conferment of work-charge status.

4. The petitioner feeling aggrieved by the said rejection order has approached this Court *inter alia* on the grounds that he was entitled to work-charge status as per the judgment passed in CWP No.2415 of 2012, titled, ***Mathu Ram vs. Municipal Corporation and others***, decided on 31.07.2014, as well as judgment passed in CWP No.7655 of 2013, titled, ***Chet Ram and others vs. State of H.P. and another***, decided on 31.07.2014, wherein, directions were given to regularize the services of the

petitioners on completion of eight years service on daily wage basis. It has been averred that the action of the respondents in not regularizing the services of the petitioner from the date he completed eight years service is thoroughly unjustified, arbitrary and against law and violates Article 14 of the Constitution of India and, as such, it is prayed that the impugned order dated 27.12.2018 passed by respondent No.3 is not satisfactory and the respondents may be directed to regularize the services of the petitioner from the date of completion of eight years service with all the benefits incidental thereof.

5. The respondents filed reply to the petition and averred that the matter regarding the claim of the petitioner for work-charge status and regularization has been rendered infructuous, as he has already been granted the due benefits in accordance with law laid down by the Hon'ble Supreme Court of India in *Surajmani's* case. It has further been averred that the petitioner had completed 240 days in each calendar year from 1999 onwards, as per policy dated 29.09.2008, which provides regularization from prospective date on completion of eight years or more service by no cut-off date. The services of the petitioner have been regularized by respondent No.3 from prospective date i.e. 05.02.2010 vide addendum issued on 10.07.2019 (Annexure R-I) i.e. after passing of the order dated

27.12.2018 (Annexure A-1). It has also been averred that the petitioner has been granted work-charge status as per office order dated 06.08.2026 (Annexure R-II).

6. I have heard the learned counsel for the parties and also gone through the record carefully.

7. It is not disputed by the petitioner that after passing the order dated 27.12.2018, the respondents have passed the order dated 10.07.2019 whereby the services of the petitioner were regularized w.e.f. 05.02.2010 and thereafter, after the judgment of the Hon'ble Supreme Court passed in Civil Appeal No.1595 of 2025, **State of H.P. and others Vs. Surajmani and another**, decided on 06.02.2025, respondent No.3 has passed an office order dated 06.08.2026 (Annexure R-II), whereby the relief claimed by the petitioner to confer work-charge status on him has been granted. As such, nothing remains to be adjudicated in the present petition, save and accept that the respondents have to grant the consequential benefits in terms of the office order dated 06.08.2026, passed by respondent No.3, thereby fixing his pay etc.

8. Consequently, in view of the above, the present petition is disposed of with a direction to the respondents that the pay of the petitioner be fixed strictly in terms of order dated 06.08.2026 (Annexure R-II) passed by respondent No.3 along with all the

benefits strictly in terms of the judgment passed in *Surajmani's* case (supra) within a period of 12 weeks. No order as to costs. Pending applications, if any, also stand disposed of.

20th August, 2026
(sk)

(Jiya Lal Bhardwaj)
Judge