

IN THE .HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4190 of 2019
Decided on : 25.09.2026

Mukesh Kumar

...Petitioner

Versus

State of HP and Others

...Respondents.

Coram

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the petitioner : Mr. Ashwani Chawla, Advocate.

For the respondent(s) : Mr. Shalabh Thakur, Assistant
Advocate General.

Bipin Chander Negi, Judge (Oral)

The petitioner, in the case at hand, had been granted work-charge status with effect from 01.01.2004. The claim for grant of work-charge status with effect from 01.01.2003 had been rejected vide order dated 24.07.2019 (Annexure P-2), by the Superintending Engineer, I&PH Circle, Reckong Peo, District Kinnaur (respondent No. 3).

2. The relevant extract of the order reads as follow:

"But, while meeting of screening committee held in this Circle and after checking all must-rolls it was found that the applicant was not completing 180/240 days in that year i.e.1995 and the approval was granted for his

¹ *Whether the reporters of the local papers may be allowed to see the Judgment? Yes*

regularization by counting his service on daily wage w.e.f. 1996 by this office during 2007. (Copy already supplied to your office).

*Later on all must-rolls for the year 1995 were re-checked and it was found that the applicant was actually engaged on daily waged basis in the department w.e.f. 7/1995 not from 5/1995 and worked continuous with the department without break till 11/1995. Thus he scored 133 days in the year 1995 by rendering month-wise days i.e. in 7/95=20days, 8/95=29 days, 9/95=23 days, 10/95=31 days and in 11/95=30 days and as the same information is also supplied to the applicant by Executive Engineer IPH Division R/Peo vide his letter No. 3778 dated 7/9/2018 as sought by him under RTI Act 2005 (**Annexure B**).*

*It is also found that in year 1995 the applicant has never been enrolled in the M-Roll for the month 5/1995, 6/1995 and 12/1995 as the certificate of the same is attached herewith(**Annexure C**) as issued from the Executive Engineer IPH Division R/Peo."*

3. Hence, as per the stand of the respondents, in the year 1995 as per the relevant maintained official record(muster-rolls), the petitioner had only worked for 133 days. *Per contra*, it is the stand of the petitioner that he had worked for more than 180 days in the year 1995. In this respect, he has placed on record documents received from the Department under the Right to Information Act to establish his contention.

4. In the aforesaid backdrop, it would be relevant to refer to order dated 02.04.2026, which reads as follows:

Heard for some time.

The controversy involved in this writ petition is in a very narrow compass i.e., whether the petitioner had completed only 133 days in the year 1995, as is the claim of the department or more than 180 days, as is the claim of the petitioner. Record demonstrates that, whereas, the petitioner has also placed on record certain documents received from the Department under the Right to Information Act to prove that he has completed more than 180 days, the department has also placed on record documents to demonstrate that the petitioner has completed only 133 days.

As there are rival contentions of the parties in this regard, this Court is of the considered view that this issue can be resolved in case the original muster roll is produced by the Department for the perusal of the Court which was actually maintained at the place where the petitioner was working in the year 1995.

As prayed for, list on 27.04.2026. Necessary record be made available for the perusal of the Court on the next date of hearing.

5. In furtherance of the aforesaid order, relevant muster rolls were produced before the Court on 27.04.2026. On a perusal of the same, the Court was of the view that the muster rolls are strictly in consonance with the stand taken by the respondents in the reply. The relevant order dated 27.04.2026 reads as follow:

"In terms of the previous order, the original muster- roll stands produced by the Department and a perusal thereof demonstrates that the muster-roll of the petitioner is available from the month of July, 1995 and the same is strictly in-consonance with the stand taken by the respondents in the reply.

Faced with this situation, learned Counsel for the petitioner submits that he may be granted a week's time to have instruction in the matter. As prayed for, list on 07.05.2026. Record need not be produced on the said date."

6. The stand taken by the respondents, a mention whereof has been made in the order dated 27.04.2026, is being reproduced herein for ready reference:

Further, while meeting of screening committee held in Reckong Peo Circle, it was found that in the year 1995, the petitioner has never been enrolled in the Muster Roll for the month of 5/1995, 6/1995 and 12/1995 as the petitioner was actually engaged as daily waged Beldar as on 7/1995, the certificate of same issued by Assistant Engineer IPH Sub-Division Reckong Peo, duly verified by Executive Engineer IPH Division Reckong Peo is attached as Annexure R-II for kind perusal of this Hon'ble Court. In this view of the matter, the petitioner is entitled

for conferment of work charge status to the petitioner w.e.f. 01.01.2004 instead of 01.01.2003, therefore, Annexure P-2 is just, proper and in accordance with Law."

7. In the aforesaid factual backdrop, it is evident that the mandays chart supplied to the petitioner by the Executive Engineer, I & PH Division Recong Peo, district Kinnaur, Annexure P-3, relevant page 39 whereof reflects that the petitioner had started working on 1.5.1995 and had completed 203 days in 1995 is not supported by the muster-rolls, which formed the basis for preparation of mandays chart produced and verified before this Court. It is amply clear that the petitioner had started working w.e.f. July 1995 and had worked till November 1995. In 1995 from a perusal of the muster rolls, it is evident that the petitioner had only worked for 133 days and not 203 days as was being claimed.

Accordingly, the present petition is dismissed, being devoid of any merit, so also the pending miscellaneous application(s), if any.

(Bipin Chander Negi)
Judge

25th September, 2026
(Gaurav Rawat)