

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.407 of 2019

Decided on: 29th September, 2026

Maru Ram

...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. Anshul Jairath, Advocate.

For the respondents: Mr. R.P. Singh, Deputy Advocate General.

Jiya Lal Bhardwaj, Judge (Oral)

By way of present petition, the petitioner has
prayed for the following substantive reliefs:-

"(i) To quash and set-aside the impugned order dated 17.09.2010 at Annexure P-5 by issuing a writ of certiorari.

(ii) That a writ in the nature of Mandamus may very kindly be issued directing the respondents to regularize the services/grant work charged status to the petitioner on the post of Beldar from the due date i.e. 1.4.2009 with all consequential benefits like arrears of salary, seniority etc.

(iii) That the respondents may very kindly be directed to release the wages of the Petitioner for the

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

duties performed by him against different sub Watershed Committees at Dhoulpur, Peh-moch, Bhojpur and Bhatoli Gillhae during the years, 2005, 2006 & 2007 for 240 days, 240 days and 240 days respectively with interest @ 18% per annum. That the cost of the petition may very kindly be awarded in favour of the Petitioner and against the Respondents."

2. Shorn of unnecessary details, the key facts of the case are that the petitioner was engaged as a daily wage Beldar on 03.03.1999 with the respondents and was posted in Forest Division, Nurpur, District Kangra, H.P. It has been averred that from the initial date of engagement, he has been regularly and uninterruptedly working with the respondents and had completed 8 years of service with 240 days in each calendar year as on 31.03.2009, which made him entitled for regularization as Beldar w.e.f 01.04.2009. As per the instructions dated 28.08.2009 (Annexure P-2), a decision was taken to regularize the services of daily waged workers/contingent paid workers, who had completed 8 years of continuous service (with a minimum of 240 days in a calendar year except where specified otherwise for the tribal areas) as on 31.03.2009. However, when the respondents did

not regularize the services of the petitioner and he was not granted work-charge status, the respondents were served with a legal notice dated 27.02.2010 (Annexure P-3), calling upon them to regularize his services after completion of 8 years of service with 240 days in each year as on 31.03.2008, with all consequential benefits like arrears of salary, seniority, etc. However, the respondents, despite receipt of the legal notice, did not take any decision and the petitioner had approached this Court by way of CWP No. 2816 of 2010, titled, ***Maru Ram versus State of H.P. and others.***

3. The petition preferred by the petitioner came to be disposed of on 16.06.2010, when a direction was given to respondent No.1 to consider the legal notice as a representation on behalf of the petitioner and pass an appropriate order.

4. Respondent No.2 in compliance with the direction given by this Court on 16.06.2010, rejected the claim of the petitioner for regularization, taking note of the fact that the petitioner did not complete 240 days in the years 2005, 2006

and 2007. During the years 2005, 2006 and 2007, the petitioner had completed only 120, 133 and 208 days, respectively and the Screening Committee, which was constituted for making recommendations for regularization had found that there were changes in the man-days chart of daily wagers as checked from the official record in respect of the petitioner. In the meeting convened by respondent No.1 on 13.09.2010 with the Joint Secretary (Forest) to the Government of H.P., DFO Nurpur and District Attorney of the Forest Department, the DFO Nurpur had apprised that the then Range Forest Officer, Sh. Dev Raj Verma, had furnished false information to the petitioner with a view to help him illegally and hence, it was decided that departmental action should be taken against him. As per the revised scrutinized seniority list of daily wagers as it stood on 31.03.2010 of Jawali Forest Range, received from the Conservator of Forests, Dharamshala Circle, vide letter dated 09.09.2010, the petitioner had not completed 8 years of continuous service with 240 days in each calendar year for regularization and

thus, the claim of the petitioner came to be rejected.

5. The petitioner feeling aggrieved by the rejection of his claim, has approached this Court *inter alia* on the grounds that the petitioner has performed his duties for 240 days during the years 2005, 2006, and 2007 in Watershed Committees such as Dhoulpur, Peh-moch, Bhojpur and Bhatoli Gillhae and the said days have not been counted and shown in the impugned order and that less days have been reflected in the 4th column of the man-days chart of the impugned order dated 17.09.2010 purposely, intentionally and with an ulterior motive of not regularizing his services from the due date i.e. 01.04.2009.

6. The petitioner was expecting that his wages for the aforesaid period would be paid to him, when he had spent and performed his duties against various sub Watershed Committees and he remained silent on the issue, hoping that his services will be regularized by taking into account the duties performed by him in the sub Watershed Committees. The petitioner has been made a scapegoat for

no fault on his part and, therefore, the order is liable to be quashed and set aside. It is also wrong to aver that the Range Forest Officer had furnished false information to the petitioner with a view to help him illegally. The committee so constituted by the Divisional Forest Officer has not gone through the proper records relating to the duties performed by the petitioner, otherwise he would have been considered for regularization of his services in accordance with the policy framed by the Government of Himachal Pradesh. It has also been averred that the action on the part of the respondents is neither justified nor constitutional and hence liable to be set aside and the respondents may be directed to regularize his services. Further, the action on the part of respondent No.1 in changing the man-days chart is patently illegal, arbitrary and violative of principles of natural justice as the petitioner was not given opportunity of being heard before changing his seniority or man-days chart and thus, prayed for quashing the impugned order dated 17.09.2010 (Annexure P-5) passed by respondent No.1, directing the respondents to regularize

the services of the petitioner/grant him work-charge status on the post of Beldar from the due date i.e. 01.04.2009 with all consequential benefits like arrears of salary, seniority, etc.

7. The respondents filed reply to the petition and reiterated their stand taken in the impugned order. It has been averred that the petitioner did not complete 240 days in the calendar years 1999, 2005, 2006 and 2007. During the year 1999, he had worked for 54 days, 120 days in 2005, 133 days in 2006 and 208 days in 2007. Since the petitioner did not complete 240 days in a calendar year continuously for 8 years, as such, his case does not fall within the ambit of regularization policy framed by the State Government. The Screening Committee constituted by respondent No.3 in the month of August 2010, had gone through the muster rolls/pay bills and other records for the man-days of the petitioner as well as other daily wagers of Jawali Forest Range and it was found that the seniority list of Jawali Range upto 31.03.2009 submitted by the then Range Forest Officer, Jawali was not as per the factual position. The revised seniority list

prepared by the Screening Committee was formed, which has been placed on record as Annexure R-II.

8. I have heard the learned counsel for the parties and also perused the record carefully.

9. Learned counsel for the petitioner has vehemently argued that respondent No.1 has wrongly taken the man-days chart as 120 days in 2005, 133 days in 2006 and 208 days in the year 2007, whereas the petitioner had completed 240 days while working in different sub Watershed Committees such as Dhoulpur, Peh-moch, Bhojpur and Bhatoli Gillhae during the years 2005, 2006 and 2007, which period has not been counted.

10. The respondents while filing reply to the petition have not disputed the fact that the petitioner had in fact performed his duties in different sub Watershed Committees such as Dhoulpur, Peh-moch, Bhojpur and Bhatoli Gillhae during the years 2005, 2006 and 2007. The petitioner being a Class IV employee, was though expecting his wages for the aforesaid period, but keeping in view the fact that he was

engaged on daily wage basis, he may not have thought it proper to approach the Court to seek the wages for the work performed by him in the sub Watershed Committees referred above. The petitioner was earlier issued information in which it was found that the petitioner had completed 240 days during the years 2005, 2006 and 2007 and it may be on account of the fact that he had served in sub Watershed Committees referred above, but since he was not given the wages, subsequently the said period may not have been considered by the DFO, Nurpur. Even otherwise, once the petitioner had completed more than 240 days in each calendar year from 2000 to 2004, it cannot be believed that he would not have performed duties during the years 2005, 2006 and 2007 and completed 240 days in each calendar year. At this juncture, it is relevant to quote the man-days chart as reflected in the order dated 17.09.2010, when the claim of the petitioner to regularize his services has been rejected, which reads as under:

S. No.	Year	Mandays of Shri Maru Ram given in seniority list annexed as Annexure P-1 with the CWP	Mandays of Sh. Maru Ram given in seniority list of daily wagers as it stood on 31.3.2010 of Jawali Forest Range duly countersigned by the Divisional Forest Officer, Forest Division, Nurpur received from the CF.
1.	1999	-	54
2.	2000	297	297
3.	2001	363	363
4	2002	363	363
5	2003	349	357
6	2004	275	322
7	2005	240	120
8	2006	240	133
9	2007	240	208
10	2008	336	336
11	2009	87 days upto 31.3.2009	325

11. A perusal of the aforesaid chart clearly shows that the petitioner had completed 363 days in 2001 and 2002, 357 days in 2003 and 322 days in the year 2004. Thereafter again the petitioner had completed 336 days during the year 2008 and 325 days in the year 2009. Once the petitioner had worked for more than 240 days in each calendar year for the years 2001, 2003, 2004, 2008 and 2009, he would have definitely worked for more than 240 days during the year 2005, 2006 and 2007. The respondents have not disputed the fact that the petitioner had also worked in sub Watershed

Committees such as Dhoulpur, Peh-moch, Bhojpur and Bhatoli Gillhae during the years 2005, 2006 and 2007 and the said period may have not been counted since the petitioner was not paid wages.

12. Learned counsel for the petitioner has also placed reliance upon the judgments of this Court in CWPOA No.7438 of 2020, titled, ***Gopal Singh versus State of H.P. and others***, and connected matters and CWPOA No.6667 of 2020, titled ***Bhagat Ram versus State of Himachal Pradesh and others***, and connected matters decided on 04.09.2024 and contended that even if it is assumed that the petitioner did not complete 240 days in the aforementioned years, he is entitled to regularization, ignoring the fictional breaks given to him.

13. In the aforementioned judgments, the Division Bench has taken note of the judgment passed in CWPOA No.5752 of 2008, titled, ***Keshav Ram versus Secretary IPH and others***, wherein a direction was given to the respondents that the petitioner shall be deemed to be in continuous service from the date of his initial engagement, after ignoring

fictional breaks given to him from the year 1994, with further observation that the petitioner shall be entitled to all consequential benefits of continuous service of period from the date of initial appointment. Based upon the said judgment, the Division Bench directed the respondents to condone, in all cases, the respective break periods of the petitioners with effect from their initial appointment in the years till they were allowed to complete 240 days in each calendar year.

14. In the present case too, once the respondents have not disputed the fact that the petitioner had performed his duties in the sub Watershed Committees referred above and further, he has not been paid the wages, the petitioner is also held entitled to condone the break in service, but only for the years 2005, 2006 and 2007. The petitioner had completed more than 240 days from the year 2000 onwards and, therefore, in terms of the instructions dated 28.08.2009 issued by the Government, he is held entitled to confer upon him the work-charge status/regularization of his services.

15. Consequently, the present petition is allowed and the impugned order dated 17.09.2010 (Annexure P-5) is quashed and set aside and the respondents are directed to condone the break period for the years 2005, 2006 and 2007 and count his entire service from the year 2000 for continuity in service, seniority and conferment of work-charge status/regularization of services immediately after completion of 8 years of service, with all consequential benefits.

16. The petition is accordingly disposed of. No order as to costs. Pending miscellaneous application(s), if any, also stand disposed of.

29th September, 2026

(ankit)

**(Jiya Lal Bhardwaj)
Judge**