

**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

CWPOA No.565 of 2019
Decided on: 23.09.2026

Pappu Ram

...Petitioner

Versus

The State Government of Himachal
Pradesh and others

...Respondents

Coram

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹ *Whether approved for reporting?*

For the petitioner: Mr. Pradeep Verma; Mr. Mohinder Verma; and Mr. Digvijay Singh Bisht, Advocates.

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

Ranjan Sharma, Judge

Petitioner-Pappu Ram has come up before this Court, seeking the following reliefs:-

- “14 (ii) That in view of the submissions as made as detailed above, the petitioner may kindly be ordered to be regularized against the post of Beldar from the date of his initial appointment, entitled to get back wages along with all the consequential benefits and seniority in his job for regularization against the post of Beldar.
- (iii) That the breaks, if any, given to the petitioner may kindly be condoned in the interest of justice in view of the judgment rendered by

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

this Hon'ble Court in C.W.P.
No.4367/2009."

2. On 14.09.2026, this Court has passed the following orders:-

"Petitioner, was engaged as Beldar on daily wages basis in the year 1999, and the claim, as set up, is for regularizing him on the post of Beldar, from date Juniors were regularized and for condoning the period of breaks given to him, in view of the judgment passed by this Court in CWP No. 4367 of 2009 [as referred to as Page 42 of paper book].

2. *Upon issuance of notice, the State Authorities have filed the Reply-Affidavit, enclosing Man-days Chart, Annexure R-1, revealing that the petitioner was engaged in the year 1999 but he did not render continuous service with 240 days in each year till the year 2003, but he has rendered continuous service with 240 days from 2004 till 2009 and is continuing. Reply-Affidavit states that other daily wagers, who had rendered 8 years continuous service and were eligible were regularized in 2009 and 2010 vide [Annexure R-2].*
3. *Petitioner has chosen not to file a rejoinder to Reply-Affidavit.*
4. *So far as, the claim for regularization is concerned, perusal of Man-days Chart R-1 and the reply affidavit indicate that the petitioner had completed continuous service of 240 days from 2004 onwards and before this, the petitioner was not eligible for consideration, for want of*

continuous service 1999 to 2003. Since the right of consideration for regularization, accrues to eligible incumbents and it can neither be claimed nor granted to ineligible daily wagers alike the petitioner. In these circumstances, the claim for regularization, who is ineligible is turned down.

5. *So far as, the claim for condoning the alleged break period, this Court is of the considered view, that the fact, as to whether, the non-completion of 240 days during 1999 to 2003 was on account of non-availability of work or funds or was due to other reasons, is a matter which cannot be adjudicated in writ jurisdiction; Even the acquiescence by the petitioner in not raising a claim assailing the alleged break(s) or non-completion of 240 days during 1999 to 2003 cannot be invoked belatedly by way of a writ petition filed in 2010 after 8-11 years. Having slept over his rights and remedies, during this period from 1999 to 2003 till 2010 and the cause having become stale and dead cannot be revived or agitated, in these proceedings, for which, the appropriate statutory remedy existed under the Industrial Disputes Act and thus this claim cannot be looked into, at this stage, in these proceedings.*
6. *Faced with above situation, Learned Counsel for the petitioner prays for adjournment so as to have updated Instructions, as to whether the petitioner stands regularized or has been granted work-charged status, during the pendency of instant petition, and whether any grievance, still survives.*

As prayed, list on 23rd September, 2026.”

3. Upon listing of the case today, Learned Counsel for the petitioner, on *Instructions*, states that petitioner does not intend to continue with the present proceedings, except availing appropriate remedy for surviving grievance(s), if any [*Statement Taken on Record*].

4. *Based on the aforesaid statement*, the instant proceedings are closed, with liberty as prayed.

5. In these circumstances, the instant petition stands disposed of alongwith all pending miscellaneous application(s), if any.

(Ranjan Sharma)
Judge

September 23, 2026
[Bhardwaj]