

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

CWPOA No: 7739 of 2019
Date of decision: 21.09.2026.

Sher Singh

...Petitioner

Versus

State of Himachal Pradesh & others

...Respondents

Coram:

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

Whether approved for reporting?¹

For the petitioner : Mr. Naresh Verma, Advocate.

For the respondents : Mr. Sumit Sharma, Deputy
Advocate General.

Ranjan Sharma, Judge

Petitioner, Sher Singh had filed an Original Application No 2638 of 2016 before Learned State Administrative Tribunal; and upon abolition of Tribunal; matter has been transferred to this Court as CWPOA No 7739 of 2019, seeking the following reliefs:

“That the orders dated 08.02.2016 Annexure A-2 may kindly be quashed and set aside and the respondents may kindly be directed to regularize the services of the applicant after 8 years of daily waged services i.e. 01.01.2003, as per the judgment delivered in

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

CWP(T) No. 12217/2008 titled as Ashok Kumar
vs. State of H.P.”

FACTUAL MATRIX:

2. Case, as set-up, by Learned Counsel is that the petitioner was engaged in Forest Department as a daily wager in 1994 and was regularized in the year 2007. It is averred that petitioner filed a writ petition claiming the benefit of work charged status from the date of completion of eight years of continuous service as daily wager and this petition was disposed of on 21.03.2012 [Annexure A-1].

2(i). It is averred that pursuant to above directions, the claim of the petitioner for grant of work charge status was rejected on 08.02.2016 [Annexure A-2], on the ground, that, the Forest Department does not have a work charge establishment, whereas, the State Authorities have conferred the work charge status to numerous of daily wagers in other Government Departments and to many other daily wagers in the Respondent-Forest Department from the date of completion of eight years of continuous daily wage service, whereas, the petitioner

has been singled out and discriminated, by denying the work-charge status from the date of completion of eight years of continuous daily wage service with the prayer to grant the work charged status with all consequential benefits.

STAND OF STATE AUTHORITIES:

3. Pursuant to issuance of notice on 11.07.2016, the State Authorities have filed the Reply Affidavit dated 28.11.2016, of Conservator of Forests, Mandi Forest Circle, Himachal Pradesh.

3(i). Perusal of Reply Affidavit and the Mandays Chart [Annexure R-1], indicates that the petitioner has rendered daily wage service with 240 days in each calendar year from 1994 till 31.12.2001 and petitioner was regularized on the post of Peon on 12.09.2007 [Annexure R-2]. The primary objection taken by State Authorities in not granting the work charge status to the petitioner is that the Forest Department does not have a work charge establishment and, therefore, the work charge status from the date of completion of eight

years of continuous service w.e.f. 01.01.2002, cannot be granted to petitioner.

4. Heard Mr. Naresh Verma, Advocate, for the petitioner and Mr. Sumit Sharma, Learned Deputy Advocate General, for the respondents.

ANALYSIS:

5. Considering the above, Learned Counsel for the petitioner as well as State Counsel are *ad- idem* that the relief claimed in instant petition, is no longer res-integra, in view of the mandate of Hon'ble Supreme Court in **Civil Appeal No.1595 of 2025**, titled **State of Himachal Pradesh vs Surajmani & Another**, on 06.02.2025, entitling the daily wagers for work charge status from the date they complete years of continuous daily wage service.

6. Even, Hon'ble Division Bench of this Court in **LPA No 231 of 2025**, titled as **State of Himachal Pradesh and Others vs. Gita Ram Sharma**, after following the judgments passed by the Honble Supreme Court in the cases of **Mool Raj Upadhyaya vs State of Himachal Pradesh & others 1994 Suppl (2) SCC 316** and in

State of Himachal Pradesh vs. Ashwani Kumar, Civil Appeal No. 5753 of 2019, delivered on 22.07.2019 has affirmed the entitlement of all the daily wagers, in all departments, throughout the State, including the Respondent-Forest Department for work charge status, irrespective of the fact, whether the work charge cadre or work charged establishment existed or not, in view of the fact that the conferment of work-charge status to daily wagers in State of Himachal Pradesh was in lieu of the prolonged daily waged service rendered by them, in terms of the Scheme for Betterment of Daily Wagers framed by the State Government in the case of **Mool Raj Upadhyaya**, which was reaffirmed in the case of **Surajmani** (supra).

CONCLUSION:

7. Since the stand of the State Authorities in rejection order is dehors the mandate of law declared by the Hon'ble Supreme Court in the case of **Mool Raj Upadhyaya, Ashwani Kumar** and **Surajmani** (supra), which was followed by the Honble Division Bench of this Court in the case of **Gita Ram Sharma** (supra), therefore,

the rejection order dated 08.02.2016 [Annexure A-2] is declared inoperative with the direction to the State Authorities, to consider the claim for conferment of work charge status from the date of completion of eight of years of continuous daily wage service, subject to the verification of Mandays; and upon consideration, in case, petitioner is found eligible and entitled for work charge status, then, the *eligible benefits accrue notionally*, but without any past arrears, in view the declaration of law by the Hon'ble Supreme Court in case of **Surajmani** [supra] followed by the Hon'ble Division Bench in the case of **Gita Ram Sharma** (supra).

DIRECTIONS:

8. In view of above discussion and for reasons recorded hereinabove, the instant petition is ***allowed***, in following terms:-

- i) Rejection order dated 08.02.2016, [Annexure A-2], denying work charge status to the petitioner, is quashed and set aside;
- ii) State Authorities are directed to consider and upon consideration, to extend the work charge status to the petitioner

from the date of completion of eight years of continuous daily waged service in terms of the mandate of the Hon'ble Supreme Court in the case of **Surajmani** (supra) and the judgment passed by this Court in case of **Gita Ram Sharma** (supra); with effect from 01.01.2002 *notionally*; with benefit of such service for higher pay fixation, [but without any past arrears], as per the mandate in case of **Surajmani** (supra);

- (iii). State Authorities shall complete the entire process within 6 weeks from today;
- (iv) Parties to bear respective costs.

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

(Ranjan Sharma)
Judge

September 21, 2026.
(kck)