IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.16244 of 2025 alongwith connected matters
Decided on: 17.10. 2025

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1. CWP No.16244 of 2025

Hukam Chand ....Petitioner

Versus

HPSEBL & Anr . ...Respondents

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2. CWP No. 16256 of 2025

Jiwan Lal ....Petitioner

Versus

HPSEBL & Anr. ...Respondents

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3. CWP No.16426 of 2025

Sita Ram ....Petitioner

Versus

HPSEBL & Anr . ...Respondents

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4. CWP No.16432 of 2025

Vijay Ram ....Petitioner

Versus

HPSEBL & Anr . ...Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

[1] *Whether approved for reporting?*

For the petitioner: Mr. Bonit Prakash Advocate .

For the respondents: Ms. Vandana Misra, Advocate.

Jyotsna Rewal Dua, Judge

Notice. Ms. Vandana Misra, learned counsel, appears and waives service of notice on behalf of the respondents in all the matters.

2. These writ petitions have been filed for grant of almost identical relief, which has been reproduced from CWP No.16244 of 2025 :-

> *"i) That the respondents may be ordered to grant work charge status to the petitioner from the date he completed 8 years service with all benefits incidental thereof "*

3. Learned counsel for the petitioners submits that the cases of the petitioners and the reliefs prayed for by them are covered under decision rendered in ***The Himachal Pradesh State Electricity Board Ltd. & Anr. Vs. Nanak***

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

Chand & Ors.[2] In the aforesaid case, the respondent-Board had contended that the case in hand was distinct from ***State of Himachal Pradesh and Ors. Vs. Surajmani & Anr.***[3] as in the respondent-Board, work charge establishment was abolished in 1986, therefore, the directions given in *Surajnmani*[3] cannot be applied in the respondent-Board. The Hon'ble Apex Court rejected the contentions and held that the judgment in *Surajmani*[3] squarely applies and the directions issued therein shall applicable *mutatis mutandis* to *Himachal Pradesh State Electricity Board* as well. Relevant portion of the decision reads as under:-

> *"2. In counter to the said argument, in the counter affidavit, Standing orders of the Himachal Pradesh State Electricity Board Industrial Establishment framed in exercise of the provisions of the Factories Act, 1948 have been shown whereby Clause 5(b) makes it clear that the Board shall have the following class of workmen in different establishments. Clause 5(b) indicate work establishment having work charged work commission. The said fact has not been controverted except to say in the affidavit that they have abolished the work charged establishment in the year1986. In the list of date also, it is stated that the work charge establishment has been revised in 1987.*
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> *3. Considering all these aspects, there is no reason to*

[2] SLP(C) Nos. 10719-10720/2025, decided on 16.04.2025
[3] Civil appeal No. 1595 of 2025, decided on 06.02.2025

take a different view from the case of Surajmani (supra). The operative portion of the judgment of Surajmani is reproduced for ready reference :

"10. For the cumulative reasons aforestated, we are of the considered view that the dicta laid down by this Court vide order dated 22.07.2019 in Ashwani Kumar's (Supra) case which is based on the judgment of Mool Raj Upadhyaya (Supra) holds the field and would also be applicable to the Respondents herein who had approached the Tribunal or the High Court seeking similar relief. As such, the Respondents shall be entitled for grant of 'work-charged' status from the date of completion of 8 years of service. However, we hold that the relief in the present appeals will be limited to notional benefits as explained in paragraph 3 and 4 of Ashwani Kumar's (Supra) case in Civil Appeal No(s). 5753 of 2019 and the present appeals stand disposed of accordingly with no order as to costs.

11. We also make it explicitly clear that the State in its endeavour of implementing the orders of the Tribunal, High Court or this Court, if having paid the amounts in excess, would be at liberty to take such steps as it deems fit without insisting for one time recovery.

12. It is further underscored that this judgment would necessarily be a judgment in rem and the State shall hence forth not take recourse to employing personnel as daily wagers but shall make appointments only in accordance with law, as enumerated in the case of Secretary, State Karnataka Vs. Uma Devi [(2006) 4 SCC 1]."

4. In our view, the judgment of Surajmani squarely applies and the said directions shall be applicable mutatis mutandis in the case of Himachal Pradesh State Electricity Board also."

4. In view of above, respondents are directed to consider the respective cases of the petitioners for grant of reliefs prayed for by them in light of decision rendered in

Nanak Chand[2], within a period six weeks from today. The decision so taken be communicated to the petitioners.

The writ petitions stand disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

October 17, 2025
R.Atal