



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.8749 of 2022

Date of Decision: 20.8.2025

Meera Devi

.....Petitioner

Versus

State of Himachal Pradesh and Anr.

.....Respondents

Coram

**Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?**

For the Petitioner: Ms. Heena Chauhan, Advocate.

For the respondents: Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol and Mr. B.C. Verma, Additional Advocates General.

Sandeep Sharma, J. *(Oral)*

By way of instant petition, petitioner has prayed for following reliefs:

“A) Issuing writ of Mandamus thereby directing the respondents to regularize the service of the petitioner w.e.f. January, 217 on the post of Safai Karamchari (Sweeper) in the respondent department.

B) Issuing Writ of Mandamus thereby directing the respondents to give the entire consequential benefits of Annual Increments, Promotion and other financial benefits accrued to the petitioner from January, 2017.”

2. Precisely, facts of the case as emerge from the pleadings and relevant for adjudication of the case are that on 9.8.2011, petitioner herein made an application to District Attorney, Kinnaur at



Rampur, District Shimla, Himachal Pradesh (Annexure P-1) to appoint her as Part Time Safai Karamchari against the vacant post of Sweeper, however, at the relevant time, prayer of the petitioner was not considered, but in the month of January 2013, petitioner was employed as contingent paid worker in the office of District Attorney, Kinnaur at Rampur as Safai Karamchari.

3. After having put in more than five years service, petitioner made an application to District Attorney, Kinnaur at Rampur, to convert nature of her job from contingent paid to daily wage worker (Annexure P-2), but needful was not done, as a result thereof, petitioner again made a representation dated 5.7.2019 to the Director (Prosecution) Himachal Pradesh (Annexure P-3), making therein similar prayer.

4. In response to aforesaid communication, Director (Prosecution) vide letter dated 11.7.2019 (Annexure P-4) called upon the District Attorney, Kinnaur at Rampur, to submit the information as was called vide communication dated 2.8.2018. From perusal of aforesaid communication, it clearly emerges that prior to representation dated 5.7.2019, petitioner had made representation in the year 2018 and in response thereto, office of Director (Prosecution) had called upon District Attorney, Kinnaur at Rampur, vide communication dated 2.8.2018, to supply certain information with regard to petitioner as well as availability of vacancy available in the



department to consider prayer of the petitioner for her conversion from part time worker to daily wage worker.

5. Again in the month of 2019, petitioner made representation to the Secretary (Home) Government of Himachal Pradesh, regarding her conversion from part time to daily wage worker (Annexure P-5). Director (Prosecution) called upon District Attorney, Kinnaur at Rampur vide communication dated 29.11.2019, to make available appointment order, permission thereof and payment being made to the official at the earliest enabling the department to have action in the matter.

6. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Ms. Heena Chauhan, learned counsel for the petitioner is that though petitioner has been working uninterruptedly w.e.f. January 2013, on part time basis as Safai Karamchari in the office of District Attorney, Kinnaur at Rampur, but yet her prayer for conversion from part time service to daily wage worker was not considered despite there being policy framed in that regard by the Government of Himachal Pradesh. Learned counsel for the petitioner vehemently argued that no appointment letter was ever issued to the petitioner in the year 2013, but fact remains that her continuation in the office as Part Time Worker can be well gauged from the repeated communications sent by the office of District Attorney, Kinnaur at Rampur to the Director



prosecution for regularization as well as conversion of service of the petitioner from part time to daily wage. While placing on record communication dated 28.8.2024, issued from the office of Director (Prosecution), Himachal Pradesh and addressed to Advocate General State of Himachal Pradesh, learned counsel for the petitioner stated that in total, sum of Rs. 2,85,849/- was paid to the petitioner as salary, but thereafter her services were discontinued on the basis of objection raised by the Treasury Office, Rampur, because there was no provision to engage Part Time Sweeper in the District Attorney, Kinnaur at Rampur. This Court having taken note of aforesaid communication, passed following orders dated 3.9.2024 and 23.9.2024:

“Order dated 3.9.2024

By way of this writ petition, the petitioner has approached this Court, praying for issuance of a direction to the respondents to regularize her services against the post of Safaikaramchari. Her case in brief is that she was engaged as a contingent paid Safaikaramchari in the office of District Attorney, Kinnaur, in January, 2013. In the year 2018, she made a representation to District Attorney, Kinnaur, to convert her status to that of a daily wage worker. Similar representation was made by her in the year 2019 to the Director of Prosecution and in this background, when the case was listed on 30.07.2024 before the Court, the following order was passed:-

“Heard for some time. Record demonstrates that the office of Director Prosecution has taken up the matter with District Attorney Kinnaur at Rampur qua the request of the petitioner for regularization/conversion on daily wage



basis by reflecting in the communication that the petitioner was a contingent paid sweeper in the office of District Attorney Kinnaur at Rampur.

That being the factual position, this Court is of the considered view that the petitioner, who is discharging her duties as a contingent paid sweeper since 2013 has a legitimate expectation of conversion of her services on daily wage basis followed by regularization in accordance with law.

As prayed for, list on 03.09.2024, to enable learned Additional Advocate General to have instructions as to what is the impediment to convert the service of the petitioner to that of a daily wager.”

Today, learned Additional Advocate General has handed over a copy of instructions dated 28.08.2024 received from the Director of Prosecution to the Court which are taken on record, relevant portion whereof reads as under:-

“It is further stated that the Director Prosecution in sought information from the District Attorney, Kinnaur at Rampur regarding engagement of petitioner as part time sweeper Since no engagement letter was issued to her by the District Attorney nor any permission has been granted for the engagement of the petitioner as Part time Sweeper by the Director Prosecution, thus the petitioner was engaged by District Attorney at its own and she performed her duty in the office of District Attorney, Kinnaur at Rampur with effect from January, 2013 and she was paid from the contingency fund by the office of District Attorney, Kinnaur at Rampur. That all the payments made to the petitioner by the District Attorney, Kinnaur at Rampur are without any authority as no legal and valid engagement was given to the petitioner. In the year June, 2023 the pay bill of Smt. Meera Devi for the month May. 2023 was



submitted in the office of Treasury at Rampur, the treasury officer has raised the objection that "generate bill in correct object/SOE Code"

The total sum of Rs. 2.85.849- was paid to her as salary but as of now her services have been discontinued on the basis of objection raised by Treasury officer, Rampur and as there is no permission to engage her as part time sweeper in the office of District Attorney. Kinnaur at Rampur."

It is, therefore, requested that in view of the above submissions the case of the petitioner cannot be considered to convert her service to that of a daily wager.

It is really disgraceful and shocking that a contingent paid worker and that too a Sweeper, who has approached the Court for redressal of her grievance, has been thrown out from her meager job, which she was performing for the last 11 years on the observations of the Treasury Officer, Rampur, as an act of retribution for her having approached this Court for the reliefs that have been sought by her by way of this writ petition. Both the Treasury Officer, Rampur as well as District Attorney, Kinnaur, did not even appreciate the fact that the matter was sub judice. This indeed amounts to not only interfering in the due process of delivery of justice but also creating impediments in the way of a litigant approaching the Court of law and that too the High Court of the State, to seek justice. Therefore, as this Court prima facie finds that both the Treasury Officer, Rampur and District Attorney Kinnaur have indeed committed contempt of the Court, Registry is directed to register a contempt petition against them and in the said contempt proceedings, let a notice be issued to the said officers, with the direction that they shall appear before this Court on 23.09.2024 to explain their conduct and why they should not be punished for causing impediment in the delivery of justice and more so,



trying to undermine the majesty of the Court by trying to undo the filing of the writ petition before this Court as well as the order passed by this Court on 30.07.2024. List on 23.09.2024.

Order dated 23.9.2024

In light of the observation that has been made while disposing of COPC No.530 of 2024 and on the basis of assurance that has been given to the Court that the petitioner shall not only be allowed to continue to serve, but her wages will also be duly released by the Treasury concerned, this case is ordered to be listed after four weeks. In the meanwhile, respondents to ensure that the wages are paid to the petitioner from the public exchequer and the staff of the office of learned District Attorney, Rampur as well as that of B.P.E.O., Rampur should not be made to bear the salary of the petitioner from their own pocket. Needful be done from the month of September, 2024 onward.

7. After passing of the aforesaid orders, this court again vide order dated 19.11.2024, directed the respondents to ensure that petitioner continues to receive wages for the work being performed by her, as a result thereof, petitioner is in receipt of wages from the treasury office.

8. To the contrary, Mr. Rajan Kahol, learned Additional Advocate General, while referring to reply filed by the respondents vehemently argued that at no point of time, petitioner was appointed as contingent paid worker, rather officials of the office of District Attorney, Kinnaur at Rampur, themselves with a view to ensure smooth functioning of work of cleanliness in the office, proceeded to



hire the petitioner as Safai Karamchari, but her salary was paid from the funds collected by the officials. He further submitted that neither any appointment letter was issued nor requisite permission, if any, was ever taken by the District Attorney before engaging the petitioner as part time Safai Karamchari and as such, there was no occasion, if any, for the respondents to consider the prayer of the petitioner for her conversion from part time to daily wage service. He further submitted that at no point of time, petitioner was given appointment against the vacant post and her engagement was purely a time gap arrangement.

9. Having heard learned counsel for the parties and perused the material available on record, this Court finds that it is none of the case of the petitioner that in the year 2013, she was offered any appointment letter, rather her own case is that in the year 2011, she had applied for appointment in the office of District Attorney, Kinnaur at Rampur, but ultimately, her prayer for appointment as part time worker was accepted in the year 2013 and since then, she had been continuously working in the same office. Reply filed by the respondents, if perused in entirety, clearly reveals that they had hired services of the petitioner as Sweeper as time gap arrangement, but fact remains that in afore capacity, she has been still working. Once it stands duly established from the reply filed by the respondents that petitioner has been working, may be on part time basis, till date, her prayer for conversion from Part time to daily wage service deserves to



be considered in light of policy framed in that regard by the Government of Himachal Pradesh.

10. Though Mr. Rajan Kahol, learned Additional Advocate General vehemently argued that at no point of time, salary of the petitioner was paid from the government fund, rather same was paid by the funds collected by the officials, but as has been noticed herein above, Director (Prosecution) vide letter dated 28.8.2024, addressed to the learned Advocate General, Himachal Pradesh, has categorically stated that total sum of Rs. 2,85,849/- was paid to the petitioner as salary, but now her services have been discontinued on the objections raised by the District Treasury Office, Rampur, meaning thereby, salary of the petitioner herein was being paid regularly from the Treasury. If it is so, objection being raised by learned Additional Advocate General that petitioner was never paid out of the government fund, deserves outright rejection.

11. At this stage, learned Additional Advocate General also argued that post of Sweeper has been declared dying cadre w.e.f. 2011, whereafter direction has been issued to various departments to hire sweepers on outsource basis.

12. Having carefully perused Annexure R-1, this court sees no reason to disagree with learned Additional Advocate General, but fact remains that in violation of instructions issued in the year 2011, office of District Attorney, Kinnaur at Rampur engaged the petitioner as part



time Sweeper and since then, she has been continuously working till date in the same office and between 2013 to 2024, she has been paid Rs. 2,85,849/- by the Treasury. Moreover, this court finds that once factum with regard to engagement of the petitioner in 2013, as part time sweeper had come to the knowledge of the office of Director (Prosecution) and no action, whatsoever, was ever taken to remove the petitioner from service. If it is so, now at this belated stage after more than 13 years, respondents cannot be permitted to raise plea with regard to instructions issued in 2011 to all the departments of Himachal Pradesh to hire services of Sweepers through outsource basis. Respondents themselves after fully knowing that petitioner had been working as part time sweeper in the office of District Attorney, Kinnaur at Rampur w.e.f. 2013, slept over the matter till the objection raised by Treasury in the year 2024 with regard to mode of appointment of the petitioner.

13. Though having taken note of the instructions issued by the Government of Himachal Pradesh in the year 2011, office of District Attorney, Kinnaur at Rampur, ought to have hired services of the petitioner on outsource basis, but once afore office, in violation of instructions or in ignorance of same, proceeded to appoint the petitioner as part time sweeper in the year 2013, coupled with the fact that she is still continuing, plea of the respondents that petitioner



herein is working without there being any appointment letter, deserves to be rejected outrightly.

14. This is a classic case where respondents, after having exploited the petitioner for more than 13 years, have now taken shelter of instructions issued in 2011, conveniently ignoring the fact that factum with regard to unauthorized employment of the petitioner as part time sweeper in the office of District Attorney, Kinnaur at Rampur had come to the knowledge of the Director (Prosecution) in the year 2017, but yet no steps were taken to remove her, rather she was made to perform work of cleanliness in the office of District Attorney, Kinnaur at Rampur and her salary was being paid from Treasury.

15. Since it is not in dispute that government of Himachal Pradesh has already framed policy for conversion of part time worker into daily wage basis after his/her having completed eight years service coupled with the fact that petitioner has already served the department concerned as part time worker for more than 13 years, this Court sees no reason to deny prayer made by the petitioner for her conversion from part time service to daily wage service.

16. Consequently, in view of the above, present petition is allowed with direction to the respondents to convert the services of the petitioner from part time to daily wage from the date she completed eight years service from the date of her initial appointment in the year 2013 in terms of policy of 2015 framed by the Government of



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Himachal Pradesh for conversion of part time worker to daily wage basis and thereafter, consequential benefits, if any, shall also be paid to her expeditiously.

17. In the afore terms, present petition is disposed of alongwith pending applications, if any.

August 20, 2025
(manjit)

(Sandeep Sharma),
Judge