



Meera Devi vs. State of HP and another

CWP No. 8749 of 2022

03.09.2024 Present: M/s B.S.Thakur and Heena Chauhan, Advocates, for the petitioner.

Mr. Rajpal Thakur, Addl. AG for the respondents-State.

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



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petition before this Court as well as the order passed by this
Court on 30.07.2024.

List on 23.09.2024.

(Ajay Mohan Goel)
Judge

September 03, 2024
(*narender*)