

**Kavinder Singh and others Versus State of H.P. and others a/w
connected matters**

**CWPOA No.2006 of 2020 a/w CWPOA Nos.2048
and 2005 of 2020**

20.11.2025 Present: Mr. Daleep Singh Kaith, Advocate, for the petitioner(s), in all the petitions.

Mr. Hemant K. Verma, Deputy Advocate General, for the respondents-State, in all the petitions.

At the request of Learned Counsel for the petitioner(s), *CWPOA No.2006, In Re; Kavinder Singh and others Versus State of H.P. and others; CWPOA No.2048 of 2020, In Re; Munshi Ram Versus State of H.P. and others; and CWPOA No.2005 of 2020, In Re; Bishan Dass and others Versus State of H.P. and others are clubbed together*, as the reliefs of regularization/work charge status is *pari materia*.

Prayer not opposed.

Ordered accordingly.

2. Grievance of the petitioners is that they were engaged as daily wagers in Himachal Pradesh State Forest Development Corporation, despite their services having been regularized in the year 2007, they ought to have been regularized from the date of completion of 8 years of continuous daily wage service.

3. Prayer made by the petitioners for regularization from the date of completion of 8 years of daily wage service, has already been adjudicated upon by the Division Bench of this Court in **CWP No.5907 of 2010, In Re; Sukh Chand**

Versus State of H.P. and others alongwith connected matters, decided on 04.05.2011 [Annexure R-4/1 in CWPOA No.2005 of 2020, originating from Original Application No.1794 of 2017, now registered as CWPOA No.2005 of 2020], in the following terms:-

14. The Government of Himachal Pradesh having shown an extraordinary indulgence in absorbing the daily waged workers of the Forest Development Corporation in Government as a special case in deviation of the Rules and in relaxation of the eligibility conditions in Rules and having thus offered regular appointment in Government service, so as to avoid retrenchment in the Corporation for want of work, in the background of the old process, in case the petitioners have still any grievance left, it is for them to work out the same before the Government only since it is a package, as rightly contended by the learned Deputy Advocate General that has been offered by the Government and if anything is left out in the package, it is for the petitioners to point out the same before the Government.
15. Though this court has held that the Forest Development Corporation is not a work charge establishment, there was a direction to the Corporation to consider the case of the workmen for regularization in terms of the Government Policy. The regularization and conferment of work charge status are two different concepts altogether. Work charge status has to be conferred where even if there is

no vacancy being a work charged establishment, whereas the regularization will depend only on availability of vacancy. The case of the Corporation is that due to want of work, they had been proposing to retrench the surplus staff.

16. We are informed that in some of the cases even after the regular appointment being offered by the Government, it took a few months thereafter to actually deploy/depute them in their respective departments. The learned counsel appearing for the Corporation submits that there being commitment, as referred to in the communication Annexure P-7, that the wages of that period would be paid by the Corporation, if in any individual case the same has not been done, the same shall be done by the Corporation within a period of two months.
17. In the above facts and circumstances, we do not find any legal merit in the claim advanced by the petitioners for conferment of work charged status in the Corporation or for retrospective regularization as they have been absorbed in Government Service as regular employees in deviation of the policy and in relaxation of the Rules, as a one time package. However, in case anything is left out in that package, it is for them to approach the Government.”

4. Even the claim of daily wagers of Forest Corporation was negated by the Division Bench of this Court in the case of **Sukh Chand [supra]**, on the ground that Forest Development Corporation is a Company having its own Legal

Entity and the Corporation is not bound to follow the State Government Policies and, therefore, since the work charge establishment does not exist, therefore, the claim for work charge status was also negated.

5. After hearing Learned Counsel for the parties, for some time, they pray for an adjournment, so as to have *Instructions in these matters*, as to whether the petitioners intend to pursue the instant petitions in view of the above position of law, qua themselves.

6. Let *Instructions* be obtained and these matters be listed on **28.11.2025**.

(Ranjan Sharma)
Judge

November 20, 2025
[Bhardwaj]