

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.****CWPOA No.2068 of 2020****Decided on: 01.07.2026**

Mani Devi

...Petitioner

Versus

Dr.Y.S. Parmar University of Horticulture & Forestry.

...Respondent

*Coram****Hon'ble Mr.Justice Jiya Lal Bhardwaj, Judge.******Whether approved for reporting?¹***

**For the petitioner: Mr. Manohar Lal Sharma,
Advocate.****For the respondent: Mr. Ramesh Chand Sharma,
Advocate.**

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present petition has prayed for the following substantive reliefs:-

- "(i) *That the respondents may kindly be directed to modify the office order dated 01.11.2014 with the direction to give regularization/work charge status to the applicant with effect from 01.01.2003 instead of 20.03.2007, i.e., after the completion of eight years services with all consequential benefits, keeping in view policy dated 6th May 2000, the judgment passed in Rakesh Kumar's case as well as in Mathu Ram's case (Annexures A-3 to A-6)*
- (ii) *That the respondents may further be directed to give the all consequential benefits in the favour of the applicant with effect from 01.01.2003 till the date of realization with interest @ 12% per annum."*

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



2. The facts as emerge from the pleadings are that the petitioner was initially engaged as daily wage Beldar with the respondent-University on 03.06.1990. She worked for 140 days during the year. Thereafter, she completed 308 days in the year 1991, 351 days in the year 1992 and 351 days in the year 1993. She completed only 177 days in the year 1994, since artificial/fictional breaks were given to her w.e.f. the month of May, 1994 to November, 1994.

3. Thereafter, the petitioner completed 240 days in each calendar year from the year 1995 onwards. However, despite completion of eight years' service, work-charge status was not conferred upon her. She feeling aggrieved by the inaction of the respondent-University, preferred a writ petition bearing CWP No.1470 of 2012-G, titled, **Mani Devi vs. Dr. Y.S. Parmar University of Horticulture & Forestry**, which came to be disposed of on 11.09.2012, directing the respondent-University to consider her case, in view of the principles laid down in CWP No.9441 of 2011-E, titled, **Shiv Kumari vs. The State of H.P and ors.**, along-with connected matters.

4. In sequel to the said direction given by the Court, the respondent-University passed an office order on 01.11.2014



(Annexure A-2), whereby services of the petitioner were regularized on the post of Beldar in the pay band of Rs.5900-10680+Grade Pay of Rs.1300/- plus 120/- SA plus allowances as admissible from time to time w.e.f. 20.03.2007 on notional basis, the date from which her immediate junior namely, Smt.Vidya Devi, was regularized and the financial benefits were given w.e.f. 19.02.2009.

5. The petitioner feeling aggrieved by the office order dated 01.11.2014 (Annexure A-2), whereby she has been regularized w.e.f. 20.03.2007, has approached this Court inter-alia on the grounds that her services ought to have been regularized, in terms of the regularization policy dated 06.05.2000 (Annexure A-3), which policy was applicable in her case and she had completed 8 years of service upto 30.12.2002 and the action on the part of the respondent-University in not considering her regularization in terms of the above policy, is highly unjust, illegal, arbitrary, discriminatory and unconstitutional. The petitioner has been given regular status w.e.f. 20.03.2007, on notional basis, after completion of 11 years of service.

6. The respondent-University filed reply to the petition and averred that the petition is not maintainable in the present form. It has been averred that daily wage services of the petitioner were regularized as Beldar along-with other daily paid labourers, who had



joined on 19.03.2007 from the prospective date in accordance with the policy/instructions dated 09.06.2006 of the State Government, subject to production of National Eligibility Certificate within a period of 60 days, as she was working in the respondent-University as daily paid labourer of Nepali origin. The petitioner had failed to produce the National Eligibility Certificate within the stipulated period and her regularization was ordered to be withdrawn. However, her services were regularized as per office order dated 01.11.2014 on notional basis w.e.f. 20.03.2007, when her junior namely, Smt.Vidya Devi was regularized. The respondent-University did not dispute the fact that the petitioner had completed 8 years of continuous service as daily paid labourer during the year 2002.

7. The petitioner filed rejoinder to the reply and controverted the facts.

8. I have heard the learned counsel for the parties and also perused the record carefully.

9. It is not in dispute that the petitioner had completed 8 years of service in the year 2002. The plea, which has been taken by the respondent-University that the case of the petitioner is not covered under the policy/instructions dated 06.05.2000, is not tenable in law. If the instructions dated 06.05.2000 (Annexure A-3) are perused, which are applicable to the respondent-University too,



a daily waged/contingent paid workers', who had completed the required years of service i.e. 8 years' service with a minimum 240 days in each calendar year as on 31.03.2000, were eligible for regularization. No doubt, as on 31.03.2000, the petitioner had not completed 8 years of service, however, once she had completed 8 years' service with 240 days in each calendar year, from the year 1995, as on 31.12.2002, she was entitled to be regularized for the reasons that the policy, on the basis of which, the services of the petitioner were regularized was not in vogue at that time. The policy/instructions dated 09.06.2006 would have been applied to those daily waged/contingent paid workers, who had not completed 8 years of service as on 09.06.2006. Once the petitioner had completed 8 years of service with 240 days in each calendar year as on 31.12.2002, she was entitled to be regularized w.e.f. 01.01.2003 instead of 20.03.2007 and thus the action on the part of the respondent-University to regularize her services on notional basis w.e.f. 20.03.2007, is totally illegal, unjust and contrary to the policy dated 06.05.2000. The petitioner is entitled for regularization w.e.f. 01.01.2003, on notional basis and actual benefits from 19.02.2009, as recorded in the office order dated 01.11.2014.

10. The action on the part of the respondent-University to deny the regularization to the petitioner is against the terms and



conditions of the policy/instructions dated 06.05.2000 and the said action on the part of the respondent-University is violative of Articles 14 and 16 of the Constitution of India and thus, the petitioner is held entitled for regularization w.e.f. 01.01.2003.

11. Consequently, the present petition is allowed and the respondent-University is directed to regularize the services of the petitioner w.e.f. 01.01.2003, on notional basis and on actual basis w.e.f. 19.02.2009, in terms of office order dated 01.11.2014 (Annexure A-2) with all consequential benefits. The respondent-University is directed to pay the arrears to the petitioner within three months from today. In case the arrears are not paid to the petitioner within three months from today, the respondent-University shall pay interest @6% per annum from today till actual payment to her. No order as to costs. Pending applications, if any, also stand disposed of.

1st July, 2026
(naveen)

(**Jiya Lal Bhardwaj**)
Judge