



2025:HHC:39645

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.9562 of 2025

Decided on: 24th November, 2025

Anita Joshi

.....**Petitioner**

Versus

State of H.P. and others

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Anil Kumar, Advocate.

For the Respondents: Mr. Rajat Choudhry, Assistant Advocate
General, for respondents No.1 and 2.

Mr. Susheel Gautam, Advocate, for
respondent No.3.

Jyotsna Rewal Dua, Judge

Petitioner seeks direction to the respondents to regularize her contractual services on the post of Village Group Organizer (VGO) in the Forest Department on completion of six years of contractual services, in terms of the applicable regularization policy.

2. Heard learned counsel for the parties and considered the case file.

2(i). The respondents constituted a Society, namely, the Himachal Pradesh Natural Resource Management

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



Society. The Society is stated to be part and parcel of the Forest Department.

2(ii). The post(s) of VGO(s) were created by the respondent-Department. Petitioner was appointed as VGO in the year 2007. Her services were merged in respondent No.3-Society by taking a policy decision.

2(iii). The State framed policy for regularizing the services of contractual employees. As per this policy, on completion of specified numbers of years of contractual service, services of the contractual appointees are liable to be regularized. Petitioner's grievance is that her services have not been regularized till date, even though services of similarly situated persons have been regularized by the respondents either in the Forest or other Departments of the State.

2(iv). With the above grievance, petitioner has filed this writ petition for grant of following substantive reliefs:-

- “(i) The respondents may kindly be directed to grant equal pay to the applicants who are workings as VGO/GO in the projects without discrimination that the applicants have joined the project from KFW and others have joined the project from the Swan river project etc. and also release all consequential benefits from the date of their appointments are made.*
- ii) That respondents may kindly be directed to regularize the services of the petitioner as VGO/GO as per the policy and grant consequential benefits thereof.”*



3(i). Learned counsel for the petitioner placed reliance upon the decision rendered in ***Sant Ram and Anr. Vs. State of H.P. and Ors.***² In the aforesaid case, the petitioners (therein) had pleaded that:- They were engaged on daily wage basis as Class-IV employees in the Integrated Watershed Development Project Kandi (Hills) in the year 1996; The Project was part and parcel of the Forest department; The project came to an end in the year 2005 and a new project was started by the Forest Department by the name of Mid Himalayan Watershed Development Project; The services of the petitioners (therein) were continued in the new project. On completion of eight years of continuous service on daily wage basis, petitioners asserted their right for conferment of work charge status. Petitioners further alleged that some persons situated similarly, were regularized by the respondent-Department by adopting pick and choose policy. The respondents contested the case of the petitioners on the ground that: - Project was functional with the financial aid of the World Bank; The Forest Department was only a Nodal Agency.

The question before the Court was whether the petitioners, therein, had acquired any right to claim work



charge status or/and regularization. The Court, *inter-alia*, observed that the petitioners had been working in the project for more than 16 years continuously. They had lost chances of employments elsewhere. Once the project had considerable long life and respondents had allowed the petitioners to work on daily wage basis for more than 16 years, the respondents cannot urge that the petitioners are to be shown the door. This would be worst example of exploitation. The Court held that the petitioners had acquired a right for conferment of work charge status or/and regularization by application of principle of legitimate expectation. The petition was accordingly allowed and the respondents were directed to grant work charge status to the petitioners on completion of eight years of continuous daily wage services. Relevant portion from the judgment is as under: -

“10. The questions, thus, arises as to whether the petitioners have acquired any right to claim the work charge status or/and regularization?”

11.

12. Petitioners have been working in the projects for more than 16 years continuously. They definitely must have lost the chances of employment elsewhere. The longevity of projects and their objective has not come to an end. It is not the case of the respondents that the objective for which these projects were started has been achieved.

13. Once the projects have considerable long life and the respondents have allowed the petitioners to work on daily wage basis for more than 16 years, it does not lie in the mouth of the respondents to say now that the



petitioners can be thrown on the road at their option. In a welfare State such plea may not be available to the State authorities. There cannot be any worst example of exploitation than the case in hand.

14. *Petitioners also contend to have acquired right to be conferred work charge status or/and regularization having entertained legitimate expectations. The claims based on "legitimate expectation" have been held to require reliance on representations and resulting detriment to the claimant in the same way as claims based on promissory estoppel. It is settled that for proving the claim on legitimate expectations the petitioners need not to prove pre-existing right in their favour.*

15 to 17.

18. *Initial recruitment of the petitioners was though under specific project, nevertheless, the project was for a specific purpose and object and was an initiative of the government itself. Merely, the funding of project to the larger extent was by the World Bank, it cannot be said that the project was alien to the State Government as it was under the aegis of State Government that the projects have worked.*

19. *Once the respondents had regularized the services of various other employees initially employed under the projects, the petitioners could not be singled out to be discriminated. The State Government had regularized the services of the employees working in special projects like Sarv Siksha Abhiyan, subsequently converted into District Primary Education Programme and Rashtriya Madhayamik Siksha Abhiyan and Samagar Siksha Abhiyan etc.*

20.

21. *Thus in view of the above discussion, there is no hesitation to hold that the petitioners have acquired a right for grant of work charge status or/and regularization by application of principle of legitimate expectations and such rights are to be conferred upon them on the same parameter on which other employees of the State government have been conferred with such benefits.*

22. *In result, the petition is allowed and the respondents are directed to grant the work charge status to the petitioners on completion of eight years of continuous daily wage service commencing from 01.01.1997 and further to regularize their services with all consequential benefits at par with similarly situated persons in other departments of the State government.*



However, it is clarified that the petitioners are held entitled for monetary benefits only for three years from the date immediately preceding the date of filing of the petition. Petition is accordingly disposed of, so also, the pending applications, if any.”

The aforesaid decision was affirmed in **State of H.P. and Ors. Vs. Sant Ram and Anr.³. Civil Appeal No.1858 of 2025**, preferred by the State against the aforesaid decision was disposed of by the Hon'ble Apex Court with lead case as **State of Himachal Pradesh and Ors. Vs. Surajmani & Anr.⁴**. Relevant part from the decision is as under:-

“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.”

³LPA No.153 of 2023 decided on 07.10.2023.

⁴Civil Appeal No. 1595 of 2025, decided alongwith connected matters on 06.02.2025.



3(ii). Learned counsel for the petitioner has also placed reliance upon ***Bhupinder Singh Mehta and Ors. Vs. State of Himachal Pradesh and Ors.***⁵ This was the case almost similar to that of ***Sant Ram***², but the petitioners therein were appointed on contract basis. The petition was allowed and the respondents were directed to regularize the services of the petitioners with following operative directions: -

“25. The only reasons assigned by the respondents to deny regularization to the petitioners is their engagement for CAMPA, which cannot be validated being in violation of Articles 14 and 16 of the Constitution. The act of respondents is clearly unfair and arbitrary and thus, discriminatory.

26. In result, the petition is allowed. Respondents are directed to regularize the services of the petitioners in terms of communication dated 04.05.2017 (A-7) on completion of three years from the date Sant Ram² of their respective contractual engagements by respondent No. 3. Petitioners have approached the Court in the year 2017 itself, therefore, they will also be entitled to all consequential benefits flowing from the date of regularization of their respective services.”

3(iii). Respondents No.1 to 3, inclusive of the Society have, filed a common reply that states that petitioner is employee of Society and not Forest Department, hence, regularization policy is not applicable to her.

3(iv). Referring to an award passed by learned Labour Court-cum-Industrial Tribunal in *Bishan Dass Vs. The*

⁵ CWPOA No.2979 of 2020, decided on 18.03.2025.



Director Indo German Changer Project, learned counsel for the petitioner submitted that Forest Department is liable to bear the responsibility of the Project/Society qua re-engagement and regularization etc. The award was affirmed in ***State of Himachal Pradesh Vs. Bishan Dass***⁶. The *Special Leave to Appeal (Civil) No.5588 of 2011* against the judgment dated 18.06.2010 was dismissed by the Hon'ble Apex Court on 08.04.2011. It is not in dispute that the award has been implemented by the respondents.

3(v). Ground of pendency of ***Surajmani's***⁴ case before the Hon'ble Apex Court is no more available to the respondents as the case now stands decided. The respondents have projected that the case of the petitioner is not similar to that of ***Sant Ram's***² as Sant Ram was working as daily waged employee, whereas the present petitioner is serving on contractual basis. This is an artificial and irrelevant distinction sought to be created by the respondents for not implementing the law laid down in ***Sant Ram***² in the case of the petitioner. Even otherwise, similar ratio of law has been laid down while allowing the case of contractual appointees for regularization of their services in ***Bhupinder Singh Mehta***⁵.

⁶CWP No.2511 of 2009, decided on 18.06.2010.



4. In view of above, this writ petition is disposed of by directing the respondents to consider the case of the petitioner for regularization of her services from due date in accordance with law laid down in **Sant Ram²** and **Bhupinder Singh Mehta⁵** within six weeks. The benefits, if any, flowing to the petitioner be also released within the aforesaid period.

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

November 24, 2025
Mukesh

Jyotsna Rewal Dua
Judge