

Ramesh Kumar v. State of H.P. & Ors.
CWP No.967 of 2022

11.12.2024 Present: Ms. Tanu Sharma, Advocate, for the petitioner.

Mr. Sumit Sharma, Deputy Advocate General, for respondent No.1-State.

Mr. J.L. Bhardwaj, Senior Advocate, with Ms. Dhanwanti, Advocate, for respondents No.2 and 3.

Learned counsel for the petitioner has submitted that though the petitioner has now been regularized, but the said regularization is prospective. She has submitted that taking into consideration the fact that the petitioner has been serving with the respondent-Department since the year 1996, he has a right to be regularized after completion of 10 years of service as from the said date.

Learned Senior Counsel appearing for respondents No.2 and 3 has submitted that as in the year 1996, the petitioner was engaged to perform the duties of a Sweeper, but, it was only after the year 2007 that he was called upon to perform the duties of a Driver, which he thereafter did as on daily wage basis.

Learned counsel for the petitioner submits that even if it is to be assumed that the petitioner was engaged as a Driver on 14.12.2007, then, also the petitioner has a right

of regularization after completion of 8 years of service as from the said date.

This Court is of the considered view that, because, the petitioner undisputedly has served w.e.f. 14.12.2007/12.02.2008 as a Driver on daily wage basis, therefore, there is merit in the contention of the learned counsel for the petitioner that the petitioner is entitled to the right of work charge status/regularization post completion of 8 years of service as a Driver.

At this stage, learned Additional Advocate General as well as learned Senior Counsel for the respondents submit that they may be granted some time to have instructions in the matter.

List on 12.03.2025.

(Ajay Mohan Goel)
Judge

December 11, 2024
(*Vinod*)