

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.****CWP No.170 of 2020
Decided on: 5th May, 2026**

Sher Singh

.....Petitioner

versus

State of H.P. and others

...Respondents

*Coram****Hon'ble Mr.Justice Jiya Lal Bhardwaj, Judge.******Whether approved for reporting?¹*****For the petitioner: Mr.Ashwani Kumar Negi,
Advocate.****For the respondents: Mr.Amandeep Sharma,
Additional Advocate General
for respondents No.1 to 3.****None for respondent No.4.**

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner, by way of present petition, has sought a relief that the respondents may be directed to confer daily wage status upon him after completion of 10 year of continuous service and thereafter, regularize his services as Peon after completion of eight years with all consequential benefits, as per policy framed by the State Government as well as in view of the judgment passed by this Court in CWP(T) No.8964 of 2008, titled, Prem Raj and others vs. State of H.P. and others.

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



2. The undisputed facts as emerge from the pleadings are that the petitioner was engaged as Part Time Worker on 01.01.1991 by respondent No.4. He was performing the duties of Peon. As per office order dated 16.10.2004, issued by respondent No.4, the petitioner, who had completed continuous services of 10 years on 31.12.2003 was allowed minimum wages of Rs.65 per day with immediate effect along-with other Part Time employees engaged by respondent No.4. Thereafter, the petitioner was declared surplus and vide letter dated 10.06.2011 (Annexure P-2) issued by respondent No.2, he was directed to join in his office, where he joined his duties. Thereafter, the services of the petitioner were regularized vide office order dated 16.03.2013(Annexure P-3).

3. The petitioner has claimed that the respondents ought to have conferred the daily wage status upon him immediately after completion of 10 years of service and thereafter regularize his services after eight years, in view of the judgment passed by this Court in *Prem Raj's* case (supra).

4. The respondents filed reply to the petition and admitted that the petitioner was engaged as Part Time Worker on 01.10.1991 with respondent No.4 and thereafter was



conferred the daily wage status vide office order dated 16.10.2004. It has further been averred that as per decision of the State Government, Class-IV officials working in different departments, having become surplus, were deployed in the office of respondent No.2 on secondment basis. As per policy/instructions of Government dated 31st August, 2012, whosoever was engaged as daily waged/contingent paid worker initially, shall be regularized after completion of seven years' service, provided that such employee continuously worked for 240 days minimum in a calendar year as on 31.08.2012. The petitioner after completion of seven years of daily waged service as on 31.03.2012 was appointed/regularized by respondent No.2, vide office order dated 16.03.2013.

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

6. The respondents have not disputed the appointment of the petitioner as a Part Time Worker on 01.10.1991 and subsequent conferment upon him of daily wage status vide office order dated 16.10.2004. It is also not disputed by the respondents that the services of the petitioner were regularized vide office order dated 16.03.2013 and as



per policy decision dated 31.08.2012, the employees who had completed seven years' service and worked for 240 days minimum in a calendar year as on 31.08.2012, were to be regularized.

7. The plea taken by the petitioner that he ought to have been conferred the daily wage status after completion of eight years of service cannot be countenanced, in view of the judgment passed by Division Bench of this Court in **CWP No.168 of 2020**, titled, **Chhering Palkit vs. State of H.P and others**, wherein, it was held that the daily wage status cannot be conferred retrospectively, immediately after completion of 10 years as Part Time Worker.

8. So far as the second relief, which is claimed by the petitioner that he may be granted the regularization after completion of eight years of service is concerned, the said relief deserves to be allowed, more particularly, when the respondents in their reply have admitted that as per policy decision dated 31.08.2012 (Annexure R-1), all daily waged/contingent paid worker in all the departments, who had completed seven years of continuous (with a minimum of 240 days in a calendar year, except where specified otherwise for tribal areas) as on 31.03.2012, may be regularized only



against the vacant posts in various departments. Once it is not disputed by the respondents that the petitioner had completed seven years as on 31.08.2012, he was entitled to be regularized w.e.f. the date of instructions, as he had completed seven years' service after bringing him on daily wage basis w.e.f. 01.01.2004 as per office order dated 16.10.2004 and not from the date of joining as per office order dated 16.03.2013. This very issue was also considered by the Division Bench of this Court in the aforementioned judgment, wherein one of the daily wage employee whose services were also brought on minimum wages as per office order dated 16.10.2004 had staked the claim and the Division Bench of this Court had allowed the petition, thereby directing the respondents to regularize his services after completion of eight years of daily wage services.

9. In the present case, the respondents have themselves admitted that as per the terms of the policy decision dated 31.08.2012, the daily waged/contingent paid worker, who had completed seven years of service with 240 days minimum in a calendar year, was to be regularized. Thus, the action on the part of the respondents to regularize the services of the petitioner as per office order dated



16.03.2013 from the date of joining is contrary to the policy decision. It is not the case of the respondents that the post was not available with them and even if the said stand was taken, the same could not have been countenanced for the simple reason that the petitioner was performing the duties with them since long and, therefore, the action on the part of the respondents not to regularize his services immediately after completion of seven years requires interference and the prayer to that limited extent is allowed. Since the petitioner has approached this Court only in the year 2019 and filed this petition on 04.12.2019, he is held entitled to the arrears on account of regularization only three years prior to the filing the writ petition.

10. Consequently, the present petition is allowed and the respondents are directed to regularize the services of the petitioner w.e.f. 31.08.2012, when the policy decision was taken, with all consequential benefits. However, the arrears on account of regularization of the services of the petitioner shall be paid to him only three years prior to the filing of the petition. In case arrears are not paid to the petitioner within three months from today, the respondents shall pay interest



@6% per annum on the arrears from today till its actual payment.

11. The petition is disposed of in the aforesaid terms, so also the pending applications, if any.

5th May, 2026
(naveen)

(**Jiya Lal Bhardwaj**)
Judge