



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.9371 of 2024
Date of Decision: 09.07.2025

Vipan Kumar & Anr.	Versus	Petitioners
State of Himachal Pradesh & Ors.		Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioners: Ms. Seema K.Guleria, Advocate.

For the respondent: Mr. Anup Rattan, Advocate General, Mr. Rajan Kahol & Mr. B.C. Verma, Additional Advocate Generals with Mr. Ravi Chauhan, Deputy Advocate General.

Sandeep Sharma, J. (Oral)

By way of instant petition, petitioners have prayed for the following main reliefs:

“(i) That the respondents may very kindly be directed to regularize the services of the petitioner No. 1 w.e.f. 01.01.2001 and petitioner No. 2 w.e.f. 01.01.2000 by applying the ratio of the judgment rendered by the Hon'ble High Court of Himachal Pradesh in Rakesh Kumar's case as well as the judgment passed in CWPOA No. 6487 of 2020 with all consequential benefits of increments, pay, seniority, arrears etc. alongwith an interest @ 12% per annum in the interest of law and justice.

(ii) That the rejection order dated 18.11.2018 whereby the case of petitioner was rejected by respondents (copy of which has not been supplied to the petitioners) may kindly be quashed and set aside by issuing a writ of certiorari.

(iii) That the respondents may kindly be directed to grant all consequential benefits treating the petitioners as regular Beldars w.e.f. 01.01.2001 and 01.01.2000 respectively.



2. Though by way of filing reply, claim put-forth by the petitioners has been refuted by the respondents on the ground that they were rightly regularized after completion of 10 years of daily wage service with 240 days in each calendar year pursuant to judgment passed by Hon'ble Apex Court in **Mool Raj Upadhayay Vs. State of H.P.**, 1994 Supp (2) SCC 316, however, learned counsel for the petitioners, while making this Court peruse judgment dated 03.05.2024 passed by Division Bench in CWPOA No. 6487 of 2020 titled as **Keshav and Ors. Vs. State of Himachal Pradesh**, states that petitioners would be content and satisfied in case directions are issued to the respondents to consider and decide the cases of the petitioners in light of aforesaid judgment, wherein identical issue as raised in the instant proceedings, already stands adjudicated.

3. Having carefully perused grievance of the petitioners, as has been highlighted in the petition and further canvassed by Ms. Seema K.Guleria, learned counsel representing the petitioners, vis-a-vis judgment sought to be relied upon, this Court finds that Division Bench of this Court, after having considered the ground raised by the respondents that since petitioners were regularized after ten years daily wage service in terms of **Mool Raj Upadhayaya's** case, their prayer for regularization after completion of 8 years cannot be considered, has held that so called judgment in **Mool Raj**



Upadhayaya's case, is clearly a misnomer as the Hon'ble Supreme did not pass any independent judgment, but rather approved policy that had been framed and issued by the State Government with regard to regularization of the services of the daily waged employees with certain modifications. In afore judgment, Division Bench held that it is equally true that in continuation of earlier policy that was subject matter before the Hon'ble Apex Court in **Mool Raj Upadhayaya's** case which prescribed for 10 years mandatory service as daily wager prior to regularization, the State Government itself issued orders dated 03.04.2000 and 06.05.2000, thereby reducing period of daily wage service from 10 years continuous service to 8 years continuous service and as such, claim of the petitioners, who are claiming regularization after their having completed 8 years of continuous service, deserves to be considered.

4. Consequently, in view of the above, this Court, without going into the merits of the case, deems it fit to dispose of the present petition with a direction to the respondents to consider the claim of the petitioners afresh in light of aforesaid judgment passed by Division Bench of this Court as well as latest judgment passed by Hon'ble Apex Court in Civil Appeal No.1595 of 2025, titled State of **Himachal Pradesh and others Vs. Surajmani and others**, wherein it has been categorically held that daily wager, after his/her having completed 8



years of daily wage service with 240 days' in each calendar year, shall be entitled to work charge status/regularization. Needless to say, in case, petitioners are found to be similarly situate to the petitioner(s) in the aforesaid judgments, they would be extended similar benefits. Pending applications, if any, stand disposed of.

July 09, 2025
(sunil)

**(Sandeep Sharma),
Judge**