

Rameshwar Dass versus The State of Himachal Pradesh & Others

CWPOA No.5879 of 2019

26.11.2025. Present: Mr. Nishant Khidtta, Advocate, for the petitioner.

Mr. Sumit Sharma, Deputy Advocate General, for the respondents-State.

Claim of the petitioner is for regular appointment as Class-IV w.e.f. 01.01.2009. Stand of the State Authorities in the reply-affidavit indicates that the petitioner had served as Majdoor in the Forest Department in Forest Settlement Unit, Nahan from 05.01.2001 to 15.09.2008. A dispute arose in the year 2008 leading to the Reference No.67 of 2010 which culminated in passing an Award on 20.12.2011 whereby the petitioner was given the service benefits which were reflected in the order dated 16.08.2014 [Annexure R-4]. Reply-Affidavit indicates that services of 15 daily wagers and one Sweeper including the petitioner who were working in the said *defunct* Unit [Forest Settlement Unit, Nahan] were declared surplus on 30.10.2012 [Annexure R-2] and after being declared surplus the services were placed with the

disposal of Excise and Taxation, Commissioner at Nahan on 03.05.2013.

2. Pursuant to this, the petitioner continued to serve in the Excise and Taxation Department and his services were regularized by Respondent No.4-Assistant Excise & Taxation, Commissioner, Nahan, on 31.10.2015 [*Annexure R-5*] by taking into account the incumbency and daily wage service of the petitioner in the Forest Department. Reply-Affidavit further indicates that even senior daily wagers to the petitioners who were working in the Forest Department and were not sent on secondment have not been regularized for want of vacancies in the Forest Department. In these circumstances, the stand of the State Authorities in the Reply-Affidavit is that the petitioner has been regularized on 30.10.2015 [*Annexure R-5*] and for want of vacancies in the Forest Department the claim for regularization from 2009 is not tenable.

3. Faced with this eventuality, Learned Counsel for the petitioner prays for time to have Instructions.

List on **27.11.2025.**

November 26, 2025
[Shivender]

(Ranjan Sharma)
Judge