
Ram Charan Vs State Of H.P. & Anr

Civil Writ Petition No. 590 Of 2013

Court: High Court Of Himachal Pradesh

Date of Decision: July 3, 2023

Hon'ble Judges: Jyotsna Rewal Dua, J

Bench: Single Bench

Advocate: Bimal Gupta, Poonam Kumari,. Y.P.S. Dhaulta

Final Decision: Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. This writ petition has been preferred for the grant of following substantive reliefs:-

“ (i) That the respondents may kindly be directed to regularize the services of the petitioner as Cook w.e.f. September, 2001 when the

petitioner has completed 8 years of continuous service on daily wage basis and to grant consequential benefits thereof.

(ii) That the respondents may further be directed to refix the pay of the petitioner by granting pay scale of Rs.5910-20200/- plus grade pay

of Rs.1900/- w.e.f. the date when the similarly situated cooks working in various departments of the respondents including the police

department itself have been given the said pay scale. The respondents may further be directed to pay arrears of the pay scale after refixing

the pay of the petitioner alongwith interest @9% per annum.

(iii) The respondents may kindly be directed to produce the record.”

2. During hearing of the case, learned counsel for the petitioner submitted that for the time being, the petitioner would be confining his prayer to relief

No.(i) and that liberty be granted to the petitioner for seeking other reliefs at an appropriate stage, in accordance with law. According to learned

counsel, relief No.(i) prayed for by the petitioner is squarely covered by the judgments rendered in LPA No.165/2021 (State of H.P. & Ors. Vs.

Surajmani & Anr.) decided on 12.01.2023 and AIR 1990 SC 371 (Bhagwati Prasad Vs. Delhi State Mineral Development Corporation). Learned

counsel for the petitioner also submitted that the petitioner would be content, in case, respondents/competent authority are directed to consider and

decide the case of the petitioner for grant of relief No.(i), in light of the law laid down in the aforesaid judgments, in a time bound manner. Prayer is

not opposed by learned Additional Advocate General.

3. In view of the stand taken by learned counsel for the parties, but without going into the merits of the case, the instant writ petition is disposed of by

directing the respondents/competent authority to consider and decide the case of the petitioner with respect to relief No.(i), in accordance with law

and in light of the aforesaid judgments within a period of six weeks by passing a reasoned order, which shall be communicated to the petitioner.

Petitioner is at liberty to seek appropriate remedy, in accordance with law, at an appropriate stage for her surviving grievances. Pending miscellaneous

application(s), if any, shall also stand disposed of.