

Hitender Kumar Sharma and anr. Vs. State of H.P. and anr.

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Court : Himachal Pradesh

Decided On : Feb-24-2011

Judge : Kurian Joseph; V.K. Ahuja, JJ.

Appeal No. : C.Review No.174/2010; CWP No.4436/2010.

Appellant : Hitender Kumar Sharma and anr.

Respondent : State of H.P. and anr.

Advocate for Def. : Mr. R.K. Bawa; Mr. J.K. Verma, Advs.

Advocate for Pet/Ap. : Mr. Subhash Sharma, Adv.

Judgement :

1. This is a petition for review. It appears that the writ petition was posted along with batch of cases pertaining to regularization/conferment of work charge status of the daily waged Beldars. As a matter of fact, the case of the petitioners has nothing to do with the regularization/conferment of work charge status of daily waged Beldars. The petitioners are Shastris. Their case is that of regularization after completion of 8 years of service. In that view of the matter, there being an error apparent on the face of the record, the review petition is allowed and the judgment dated 28.10.2010 in CWP No. 4436 of 2010 is recalled. The review petition is disposed of. CWP No.4436 of 2010.

2. The petitioners are Shastris. They claimed that they should be regularized in service on completion of 8 years of service. According to the petitioners, this Court

has now considered the issue leading to the judgment dated 28th October, 2010 in CWP No.4421 of 2010 titled as Nitya Dev vs. State of HP and another. The operative portion of the judgment reads as follows:

According to the petitioner, as per policy, on completion of eight years of service regularization is done, whereas, in the case of the petitioner the regularization has been done after eight years and eight months. It is submitted that there are several such cases where after completion of eight years of service regularization has been granted. The petitioner may point out any such two instances before the second respondent by filing a representation within a month, in which case the second respondent may consider the stand taken by the petitioner and shall decide the representation within another three months.

3. In case the petitioners are also similarly situated, the benefit of the judgment, as extracted above, shall accrue to the petitioners herein also. The needful shall be done within a period of four months from the date of production of a copy of this judgment by the petitioner concerned before the second respondent.

4. The writ petition is disposed of, so also the pending applications, if any.

5. The Registry is directed to place a copy of this judgment on the file of CWP No.4436 of 2010.

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