



**IN THE HIGH COURT OF HIMACHAL PRADESH  
AT SHIMLA**

**CWPOA No.731 of 2019**  
**Decided on: 28.10.2025**

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Bhag Chand ...Petitioner

*Versus*

State of Himachal Pradesh and others ... Respondents

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*Coram*

**Hon'ble Mr. Justice Ranjan Sharma, Judge**

<sup>1</sup>*Whether approved for reporting?. Yes*

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For the petitioner: Ms. Divya Jyoti, Advocate, vice  
Mr. Vasu Sood, Advocate.

For the respondents: Mr. Amit Kumar Chaudhary,  
Deputy Advocate General.

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**Ranjan Sharma, Judge [Oral]**

Petitioner Bhag Chand, has come up before  
this Court, seeking the following relief:-

“Directing the respondents to regularize the service of the petitioner w.e.f. 1.1.2003 instead of 23.1.2007, on the analogy of Shri Som Dass son of Shri Parma Nand working in the Forest Department and the petitioner being similarly situated, in view of Annexure P-5 or in the alternative, to grant work charged status w.e.f. 1.1.2005 in view of Mool Raj Upadhaya’s judgment, with all consequential benefits including seniority and arrears accruing thereon on this account.”

**FACTUAL MATRIX:**

**2.** Grievance of the petitioner is that he

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<sup>1</sup> *Whether reporters of Local Papers may be allowed to see the judgment?*

was engaged as a Beldar on Daily Wage Basis in January, 1995 in HPPWD Sub Division Anni, District Kullu, (H.P.). Though his services were regularized as Beldar on 23.01.2007 but, he claims the benefit of regularization/work charged status from the date he completes 8 years of continuous daily wage service w.e.f. 01.01.2003. It is further averred that the benefit of conferment of work charge status, on completion of 8 years of service has been given to other daily wager namely Som Dass, in the Forest Department and the petitioner being similarly placed is entitled for similar treatment. Petitioner has relied upon the judgment passed in **O.A. No.3625 of 1999**, titled as **Som Dass versus State of Himachal Pradesh and others**, decided on 17.05.2005, [Annexure P-2] against which the **CWP No.420 of 2006**, titled as **State of Himachal Pradesh and others versus Som Dass** was dismissed by upholding the order of the Erstwhile Tribunal, claiming benefit of the judgment in the case of **Som Dass (supra)** [Annexure P-2 and Annexure P-3], the petitioner submitted a representation to the

Principal Secretary [PWD] to the Government of Himachal Pradesh on 11.11.2011 [Annexure P-4], claiming the benefit of work charge status from the date he completes 8 years of continuous service as daily wager w.e.f. 01.01.2003. Petitioner has placed on record the orders dated 31.07.2009 [Annexure P-5] and dated 29.08.2009 [Annexure P-5 colly] whereby, the judgment in the case of **Som Dass (supra)** stands implemented by conferring the benefit of retrospective regularization/work charge status, from the date he completes the requisite service. In this background, the petitioner is claiming the benefit of work charge status from the date he completes 8 years of continuous daily wage service, on the analogy on which the benefits have been extended to other similarly placed incumbents, claiming parity and alleging discrimination in case of the petitioner.

**STAND OF THE STATE AUTHORITIES IN THE REPLY-AFFIDAVIT:**

**3.** Respondents have filed the Reply-Affidavit of Superintending Engineer, 11<sup>th</sup> Circle, HPPWD Rampur Bhshahr (HP) dated 09.05.2012.

**3(i).** Reply-Affidavit admits that the petitioner was

engaged as Beldar in HPPWD during the year 1995 and has worked till 23.01.2007 on daily wage basis. Reply-Affidavit also places on record Mandays Chart [Annexure R-1] which reveals that the petitioner has rendered continuous service with more than 240 days from 1995 till 2003 and thereafter.

Para 2 of the Reply-Affidavit indicates that services of the petitioner stands regularized vide order dated 23.01.2007, [Annexure R-2] by the State Authorities. It is further averred that since the work charge category in PWD stands abolished in August, 2005, therefore, the claim for conferring the work charge status from the date of completion of 8 years of continuous service is not tenable. In this background the State Authorities have opposed the claim of the petitioner for work charge status from the date of completion of 8 years of continuous service

4. Heard, Ms. Divya Jyoti, Learned Counsel for the petitioner and Mr. Amit Kumar Chaudhary, Learned Deputy Advocate General for the respondents-State.

**ANALYSIS:**

5. Taking into account the entirety of the

facts and circumstances and the material on record this Court is of the considered view, that the claim of the petitioner for work charge status from the date of completion of 8 years of continuous service w.e.f. 01.01.2003 carries weight and the same is accepted, for the following reasons:-

**ELIGIBILITY OF PETITIONER FOR WORK CHARGE STATUS IS ESTABLISHED:**

**5(i).** Perusal of Mandays Chart [Annexure R-1] goes on to establish that the petitioner was engaged as Beldar on daily wage basis during the year 1995 and he had rendered continuous service of more than 240 days from 1995 till 2003 and thereafter. Once the petitioner has rendered 8 years of continuous daily waged service with 240 days, therefore, the petitioner is entitled to be granted/conferred work charge status from the date of completion of 8 years service, in terms of mandate of the Hon'ble Supreme Court in **State of Himachal Pradesh and others versus Surajmani** and other along with other connected matters. [Civil Appeal No.1595 of 2025, decided on 06.02.2025].

**MANDATE OF HON'BLE SUPREME COURT-  
ENTITLING DAILY WAGER FOR WORK CHARGE  
STATUS:**

**5(ii).** Notably, the issue as to whether daily wagers serving in various departments, throughout the State of Himachal Pradesh are entitled for conferment of work charge status on completion of eight years and whether the abolition of work charge establishment/cadre or conversion of work charge cadre into regular cadre can be made the basis for denying the work charge status from the date of completion of eight years of continuous service stands, answered by the Division Bench of this Court in **CWP No.3111 of 2016**, titled **State of Himachal Pradesh and others versus Ashwani Kumar**, decided on 10.05.2018, which was assailed by the State Authorities before the Hon'ble Supreme Court in **Civil Appeal No. 5753 of 2019**, titled as **State of Himachal Pradesh & Ors. Versus Ashwani Kumar, decided on 22.07.2019**, [referred to as **Ashwani Kumar (supra)**] wherein, the findings recorded by the Division Bench that the abolition of work charge establishment or conversion of work charge posts into regular posts shall not have any effect on

conferment of work charge status from the date of completion of eight years continuous service had remained undisturbed. However, the directions passed by Learned Tribunal, leading to passing of judgment by Division Bench in case of **Ashwani Kumar (supra)** to grant consequential benefits were modified by entitling the daily wagers only for “notional benefits”.

**5(iii).** Even the Division Bench of this Court has decided **LPA No.165 of 2021**, titled as **State of Himachal Pradesh and others** versus **Surajmani and another**, decided on 12.01.2023 [Paras 36] after following the dictum of law in the case of **Ashwani Kumar (supra)** reiterated the entitlement of daily wagers for work charge status from date of completion of eight years of continuous service and the abolition or conversion of work charge establishment was held not to have any effect for conferment of such status to daily wagers. The judgment passed by the Division Bench of this Court, in **LPA No.165 of 2021**, in case of **Surajmani (supra)** was assailed before the Hon'ble Supreme Court, in SLP (C) No.23016 of 2023, which was converted as **Civil Appeal No.1595 of 2025**,

titled as **State of Himachal Pradesh** versus **Surajmani** (supra) and other connected cases, decided on 06.02.2025, entitling all the daily wagers [*Class-III and Class-IV categories*] for work charge status from the date they completed eight years of continuous service. While entitling the daily wagers for work charge status, the Hon'ble Apex Court in case of **Surajmani** (supra) reiterated the ratio laid down in THE case of *Ashwani Kumar* and re-affirmed that only notional benefits shall accrue on conferment of daily wage status. The operative part of the judgment in case of **Surajmani (supra)** reads as under:

5. The workers who had been regularised in service in the Public Health Department under various schemes announced by the State Government from time to time but had not been granted the status of "work-charged" had approached the High Court of Himachal Pradesh in CWP No. 2735 of 2010 titled as **Rakesh Kumar and Ors. Vs. State of Himachal Pradesh and Ors.** which came to be disposed of on 28.07.2010 by opining as under:

"6. The simple question is whether the delay defeats justice? In analyzing the above issue, it has to be borne in mind that the petitioners are only class-IV workers (Beldars). The schemes announced by the Government clearly provided that the department concerned should consider the workmen concerned

for bringing them on the work charged category. So, there is an obligation cast on the department to consider the cases of the daily waged workmen for conferment of the work-charged status, being on a work-charged establishment, on completion of the required number of years in terms of the policy. At the best, the petitioners can only be denied the interest on the eligible benefits and not the benefits as such, which accrued on them as per the policy and under which policy, the department was bound to confer the status, subject to the workmen satisfying the required conditions.

7. In the above circumstances, these Writ Petitions are disposed of directing the respondents to consider the case(s) of the petitioners herein for conferment of workcharged status, subject to their eligibility in terms of the policy dated 3.4.2000 and as explained in 6.5.2000 policy, as extracted above. Needful in this regard shall be done within a period of three months from the date of production of the copy of this judgment by the respective petitioners. Needless to say that the question of conferment of work charged status does not arise in case the establishment ceases to be a work charged establishment and hence, the conferment of the status will not arise after the abolition of the work-charged status of the establishment.”

6. The aforesaid order came to be affirmed by this Court in Special leave Petition (Civil) No. 33570 of 2010 and all connected matters were disposed of on 15.01.2015. Later, certain workers who had been engaged on daily wage basis in Public Works Department of Himachal Pradesh, after having completed eight years of continuous service prayed for conferment of work-charged status by filing O.A. No. 412 of 2016 before the H.P. State Administrative Tribunal. Their prayer

was allowed by the Tribunal vide order dated 30.06.2016. Upon challenging the same by the State in Civil Writ Petition No. 3111 of 2016 titled as **State of H.P. and Ors. Vs. Sh. Ashwani Kumar** the High Court, relying upon its judgment in Civil Writ Petition No. 4489 of 2009 titled as **Ravi Kumar Vs. State of H.P. and Ors.**, decided on 14.12.2009, maintained the order of the Tribunal. The order of the High Court in Ashwani Kumar (Supra) has also been affirmed by this Court in Civil Appeal No. 5753 of 2019 titled as **State of H.P. and Ors. Vs. Ashwani Kumar** by order dated 22.07.2019, wherein this Court observed as under:

“3. We are not disturbing the finding of the Tribunal, which was affirmed by the High Court, with respect to the conferral of the status of the work charge from 01.01.2003. However, as regularization has been made only in the year 2006, obviously, notional benefit could have to be granted as the petition was initially filed in the year 2013.

4. Thus, we make the modification that the respondent would be entitled only for notional benefits of the order passed by the Central Administrative Tribunal. Accordingly, with the aforesaid modification in the order of the Central Administrative Tribunal and the High Court, the appeal is disposed of.”

7. In this factual scenario, when we consider the arguments advanced by the learned counsel appearing for the respective parties, it would not detain us for too long to brush aside the contention of the learned senior counsel and learned Advocate General appearing for the State of Himachal Pradesh. **Inasmuch as the issue involved in these appeals has been laid**

to rest by this Court in the case of Mool Raj Upadhyaya (Supra). That apart, this Court, while examining a similar plea in Ashwani Kumar's (Supra) case in Civil Appeal No. 5753 of 2019 disposed of on 22.07.2019, has specifically addressed this issue by arriving at a conclusion that the order of the Tribunal directing conferment of 'work charge status' on completion of eight (08) years of service, did not suffer from any infirmity and it was reiterated order of the Tribunal was just and proper.

8. However, in order to allay the apprehension of the State as expressed thereunder and to safeguard the interest of the State which otherwise would have burdened the exchequer with extra benefits being conferred on the employees who had not been regularly appointed, **this Court has, as a succor to the State, restricted the claim or, in other words, modified the order of the Tribunal as affirmed by the High Court by arriving at a conclusion that the petitioners/appellants therein would be entitled to the notional benefits** of the order passed by the Tribunal and accordingly disposed of the said appeal.
9. It would not be out of context to refer at this juncture itself that the State, in its wisdom, having felt that the subsequent schemes having been formulated and implemented, would alter the situation and, therefore, order dated 12.04.1994 passed in **Mool Raj Upadhyaya's** (Supra) case has to be modified, had approached

this Court by filing an Interlocutory Application being IA No. 3 in the year 2005 in the aforesaid **Mool Raj Upadhyaya's** case, i.e., Writ Petition (Civil) No. 787 of 1987. A perusal of the said application and the averments made thereunder would clearly indicate that the very same contentions urged, pleas advanced and arguments put forth today before us were the ones which were urged/raised in the said application. Though Mr. Vivek Tankha, learned senior counsel appearing for the State would fairly submit that the said application was withdrawn on the ground of subsequent schemes having been formulated and implemented by the State of Himachal Pradesh, but we are unable to accept the said proposition howsoever attractive it may be, for the simple reason that the said application was dismissed simpliciter as withdrawn. Yet another factor which sways our mind to reject the contention raised by the learned senior counsel appearing for the State would be the fact that the State having accepted the judgment of **Ashwani Kumar (Supra)**, has implemented the same and it is in this background, the High Court in the impugned order has observed that the State cannot adopt pick and choose policy.

10. For the cumulative reasons aforestated, we are of the considered view that the dicta laid down by this Court vide order dated 22.07.2019 in **Ashwani Kumar's** (Supra) case which is based on the judgment of **Mool Raj Upadhyaya** (Supra) holds the field and would also be applicable to the Respondents herein who had

approached the Tribunal or the High Court seeking similar relief. **As such, the Respondents shall be entitled for grant of 'work-charged' status from the date of completion of 8 years of service. However, we hold that the relief in the present appeals will be limited to notional benefits** as explained in paragraph 3 and 4 of **Ashwani Kumar's** (Supra) case in Civil Appeal No(s). 5753 of 2019 and the present appeals stand disposed of accordingly with no order as to costs.

11. We also make it explicitly clear that the State in its endeavour of implementing the orders of the Tribunal, High Court or this Court, if having paid the amounts in excess, would be at liberty to take such steps as it deems fit without insisting for one time recovery.

12. It is further underscored **that this judgment would necessarily be a judgment in rem** and the State shall hence forth not take recourse to employing personnel as daily wagers but shall make appointments only in accordance with law, as enumerated in the case of **Secretary, State of Karnataka Vs. Uma Devi** [(2006) 4 SCC 1].

In terms of the mandate of law passed by the Hon'ble Supreme Court in the case of **Surajmani (supra)**, the daily wagers have been held entitled for conferment of work charge status from the date they completed 8 years of continuous service and

in instant case, once the petitioner has completed 8 years of continuous service with 240 days from 1995 to 31.12.2002, therefore, he is held entitled for grant of work charge status from 01.01.2003. Moreover, the judgment in the case of **Surajmani (supra)** being a judgment in *rem* has to be applied and implemented by the State Authorities by extending benefits of work charge status to all daily wagers, throughout the State, irrespective of Departments. Even effect of the judgment in *rem* cannot be restricted or curtailed by the State Authorities at their whims and fancies by carving out an artificial classification or by taking other hyper technical pleas so as to nullify the benefits, which had accrued to the petitioner in terms of the judgment passed by Hon'ble Supreme Court, in the case of **Surajmani (supra)** and moreso, when, the eligibility for grant of work charge status is not in dispute, in instant case.

**5(iv).** Contention of Learned State Counsel that work charge establishment for Beldars was abolished in August 2005 and there the benefits cannot be extended to the petitioner. The above contention does not

holds ground and is of no assistance for State Authorities, *for the reasons* that once a right for work charge status had accrued to the petitioner on completion of 8 years of continuous service w.e.f. 01.01.2003 in terms of the judgment in the case of **Surajmani (supra)** then, the abolition of work charge establishment in August, 2005 cannot be permitted to a ground to deprive and deny benefit which accrue/flow to the petitioner in terms of the judgment of the Hon'ble Supreme Court in the case of **Surajmani (supra)**. In these circumstances, contention-plea of State Authorities does not stand the test of judicial scrutiny and the same is turned down.

**CLAIM FOR ALL CONSEQUENTIAL BENEFITS IMPERMISSIBLE:**

**5(v).** Learned Counsel for the petitioner states that after grant of work charge status, the petitioner may be held entitled to "all consequential benefits" from the date he completes 8 years of continuous service w.e.f. 01.01.2003.

The above contention of petitioner for "all consequential benefits" cannot be exceeded to, for the reason, that the Hon'ble Supreme Court in the case

of **Surajmani (supra)**, has mandated that daily wagers shall be entitled for work charge status from the date they complete 8 years of continuous service but with “notional benefits” only, by affirming the judgment passed by this Court in **Ashwani Kumar (supra)** against which the SLP was filed wherein, the judgment passed by the State Administrative Tribunal, which was upheld by the Division Bench granting “all consequential benefits” was modified entitling daily wagers for work charge status by limiting the relief only to “notional benefits”. Even the Division Bench of this Court in various judgments [**LPA No. 82 of 2025**, titled as **State of Himachal Pradesh and others** versus **Pritam Chand**, decided on 27.08.2025, **LPA No. 100 of 2025**, titled as **State of Himachal Pradesh and others** versus **Layak Ram**, decided on 27.08.2025 and **LPA No.231 of 2025**, titled as **State of Himachal Pradesh and others** versus **Gita Ram Sharma**, decided on 27.08.2025] after following the mandate of the Hon’ble Supreme Court in the case of **Surajmani (supra)**, has reiterated grant of work charge status from due date but with notional benefits only. In the teeth of

settled law, the contention of Learned Counsel for the petitioner, claiming “all consequential benefits including monetary benefits” cannot be accepted, dehors the mandate of law in the cases of **Ashwani Kumar and Surajmani (supra)** and the contention-claim is turned down. Resultantly, petitioner is held entitled for work charge status from due date “notionally for pay fixation” as Beldar i.e. 01.01.2003 but without any past arrears-monetary benefits.

**DIRECTIONS:**

**6.** In view of the above discussion and for the reasons recorded hereinabove, the present petition is allowed, *in the following terms:*

- “(i) State Authorities are directed to confer work charge status to the petitioner as Beldar from the date he completes eight years of continuous service w.e.f. 01.01.2003, in terms of the mandate of law, in the case of **Surajmani (supra)**; within six weeks from today [if not already granted];
- (ii) Upon conferment of work charge status to the petitioner w.e.f. 01.01.2003 the pay fixation shall accrue “notionally only” but without any past arrears;
- (iii) Parties to bear respective costs.

In aforesaid terms, the instant petition is

allowed and all pending miscellaneous application(s), if any, shall also stand disposed of.

**(Ranjan Sharma)**  
**Judge**

**28<sup>th</sup> October, 2025**  
[himani]

High Court of H.P.