

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

**CWPOA No.1072 of 2019**

**Decided on: 08<sup>th</sup> July, 2026**

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Kushal Chand and others

**...Petitioners**

**Versus**

State of H.P. and others

**...Respondents**

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*Coram*

**Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge**

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

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For the petitioners: Mr. Ajit Saklani, Advocate.

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

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**Jiya Lal Bhardwaj, Judge** (Oral)

By way of present petition, the petitioners have laid challenge to the orders dated 05.12.2012 (Annexure P-3 colly) passed by respondent No.2, whereby their claim for conferment of work charge status upon them came to be rejected on the ground that the Department of Agriculture is not a work charge establishment and hence there is no question of conferring work charge status upon any of its

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

employees.

2. The undisputed facts as emerge from the order passed by respondent No.2 dated 05.12.2012 are that petitioners No.1 to 4 were engaged as daily paid labourers w.e.f. 10.06.1982, 17.03.1986, 01.04.1980 and 06.06.1986, respectively. Despite completion of 10 years of service, they were not conferred work charge status. The petitioners feeling aggrieved by the inaction on the part of the respondents had approached this Court by way of **CWP No.3472 of 2012-H**, titled, **Dev Raj & Ors. Vs. State of H.P. & Ors.** which came to be disposed of on 17.05.2012, with a direction to the petitioners to submit representations furnishing all factual details before the competent authority within a period of one month and respondent No.2/competent authority was directed to look into the matter and take a decision in view of the judgment passed in **Mool Raj Upadhyaya vs. State of H.P. and others**, 1994 Supp. (2) SCC 316 and the decision rendered in **Gauri Dutt & others vs. State of H.P.** Latest HLJ 2008 (HP) 366.

3. In sequel to the said directions, respondent No.2 rejected the claim of the petitioners, vide office orders dated 05.12.2012 for conferment of work charge status only on the ground that the Department of Agriculture is not a work charge establishment and also that in the past this benefit was wrongly given and as such no question of conferring work charge status upon any of the employees, arises. It has further been held that in the past, some of the daily paid labourers, who were given regular appointments as per Government regularization policies from time to time were also granted work charge status for intervening period i.e. after completion of 10 years, as daily paid labourers and before regular appointment as per the orders of this Court, but that was an error and cannot be permitted to be perpetuated and the same shall not be treated as a precedent to be followed and if permitted under law, the Department shall take appropriate steps for rectification of such mistakes in accordance with law.

4. The petitioners feeling aggrieved by the orders

dated 05.12.2012 (Annexure P-3 colly), have approached this Court praying therein for setting aside the orders and for grant of benefit of conferment of work charge status upon them.

5. The respondents filed reply to the petition and have not disputed the engagement of the petitioners as daily paid labourers in the Department as mentioned above. However, it has been averred that as per the regularization policy of the State Government, the petitioners were regularized as Chowkidar, Peon and Beldar, vide orders dated 01.04.1995 and 04.02.1998. The petitioners accepted the offer of appointment and joined the duties at the place of posting without protest. The categories existing in the Agriculture Department are regular and daily paid. In the past, some of the daily paid labourers, who were given regular appointment as per Govt. regularization policies from time to time, were also granted work charge status for the intervening period, but that was an error and cannot be permitted to be perpetuated.

6. I have heard the learned counsel for the parties and also perused the record carefully.

7. It is now not in dispute that irrespective of the fact that whether there is work charge establishment, the employees cannot be denied the benefit of work charge status, as held by this Court in **CWP No.3111 of 2016**, titled, ***State of Himachal Pradesh and others vs. Ashwani Kumar***, which judgment has been upheld by the Hon'ble Supreme Court, wherein it has been held that the cessation of work charge establishment, if any, has to do nothing with conferment of work charge status and work charge establishment is not a pre-requisite for conferment of work charge status. Similarly, in another judgment passed by this Court in **LPA No.165 of 2021**, titled, ***State of Himachal Pradesh and others vs. Surajmani and another***, decided on 12.01.2023, it has been held that the work charge status was to be conferred upon the employees from the date they had completed eight years of service on daily wage basis.

8. The State Government feeling aggrieved by the

decision passed by the Division Bench of this Court in ***Surajmani's case*** (supra) had preferred an appeal before the Hon'ble Supreme Court and the Hon'ble Supreme Court has affirmed the findings returned by this Court that the work charge status has to be conferred on employees after completion of eight years of continuous service. Since the issue with respect to grant of work charge status has now been set at rest by the authoritative pronouncement of the Hon'ble Supreme Court in **Civil Appeal No.1595 of 2025**, titled, ***The State of Himachal Pradesh and others vs. Surajmani and another***, the plea taken by the respondents that the work charge establishment is not available with the Department of Agriculture, cannot be countenanced and the same is rejected.

9. Consequently, the present petition is allowed and the respondents are directed to confer the work charge status upon the petitioners after completion of eight years of continuous service, taking their respective date(s) of appointment, strictly in terms of the judgment passed by the

Hon'ble Supreme Court in ***Surajmani's case*** (supra), within a period of three months from today. In case, the benefits are not released in favour of the petitioners within a period of three months from today, the petitioners shall be entitled to interest @6% per annum from today on the amount of arrears, if any.

10. The petition is accordingly disposed of. No order as to costs. Pending application(s), if any, shall also stand disposed of.

**08<sup>th</sup> July, 2026**

*(ankit)*

**( Jiya Lal Bhardwaj )  
Judge**