



IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

CWP No. 6559 of 2022
Decided on : 12.03.2026

Roshan Lal

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹

For the petitioner : Mr. Surinder Kumar Sharma,
Advocate.

For the respondents : Mr. Pushpinder Jaswal, Additional
Advocate General

Ajay Mohan Goel, Judge (*Oral*)

CMP No. 3881 of 2026

In view of the averments made in the application for early hearing, the same is allowed. Application stands disposed of accordingly.

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2. With the consent of the parties, the matter is being disposed of at this stage, today itself.

¹Whether reporters of the local papers may be allowed to see the judgment?



3. By way of this writ petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

“(i) That the respondents may kindly be directed to regularize the services of the petitioner as Class-IV employee retrospectively strictly as per the policy prevalent during the year 2016-17 and thereafter the respondents may further be directed to grant all consequential benefits to the petitioner, like seniority, pay fixation etc. alongwith arrears of salary with interest @ 9% per annum;

“(ii) That the respondents may kindly be directed to grant and pay the regular pay scale of Class-IV employee to the petitioner forthwith.”

4. The case of the petitioner is that he was engaged on daily wage basis on 01.12.2009 and his services were terminated verbally on 13.10.2010. The petitioner raised an industrial dispute and the following reference was made by the appropriate Government to the learned Labour Court:-

“Whether termination of services of Shri Roshan Lal S/o Shri Gopal Chand, R/o Village Palag, PO Kandaghat, Tehsil Sunni, District Shimla, HP by the Block Development Officer, Development Block Basantpur,



Tehsil Sunni, District Shimla, HP w.e.f. September, 2010 without complying with the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back-wages, past service benefits, seniority and compensation the above worker is entitled to from the above employer?"

5. The reference was answered by the learned Labour Court in terms of Award dated 04.01.2016 (Annexure P-1), relevant portion whereof is quoted hereinbelow:-

"20. As a sequel to my above discussion and findings on issues no.1 to 3, the claim of the petitioner succeeds and is hereby partly allowed and the petitioner is ordered to be reinstated in service forthwith with seniority and continuity. However, the petitioner is not entitled to back wages and as such the reference is answered in favour of the petitioner and against the respondent. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records."

6. Thereafter, the petitioner stands reengaged, but the grievance of the petitioner is that he has not been conferred the benefit of regularization in terms of the policy of the



Government and hence the petition.

7. Learned counsel for the petitioner submitted that in light of the Award passed by the learned Labour Court, as the petitioner was ordered to be reinstated in service with seniority and continuity, the petitioner had a right to be regularized in terms of the policy of the State Government by taking the date of his initial engagement as a daily wager to be 01.12.2009. He submitted that till now, the services of the petitioner have not been regularized and this act of the respondents is bad in law because denial of regularization to the petitioner in terms of the policy of the State Government is nothing but arbitrary and discriminatory. Learned counsel also referred to Annexure P-5, appended with the petition and submitted that time and again the Authority has recommended the case of the petitioner for regularization to the Higher Authority, but needful has not been done till date.

8. On the other hand, learned Additional Advocate General, by referring to the reply filed by the State Government, submitted that as the petitioner was engaged under MGNREGA, therefore, he has no right of regularization



because there is no provision of regularization of the persons who have been engaged under MGNREGA. Accordingly, he submitted that on this count, as the petitioner is not entitled for any relief, the petition be dismissed.

9. I have heard learned counsel for the petitioner as well as learned Additional General and have also carefully gone through the pleadings as well as the documents appended therewith.

10. Few facts which are not in dispute, are that the petitioner was engaged as a daily wager on 01.12.2009. His services were terminated on 13.10.2010. In an industrial dispute raised by the petitioner, learned Labour Court held in terms of Award dated 04.01.2026 that the termination of the petitioner was bad in law and ordered his reinstatement with seniority and continuity. It is further not in dispute that in compliance to the said Award passed by the learned Labour Court, the services of the petitioner were re-engaged and he is serving the Department, though on daily wage basis.

11. A perusal of the Award passed by the learned Labour Court demonstrates that therein, no defense was taken



by the respondents to the effect that the petitioner was engaged under the MGNREGA Scheme. Though, it is evident from the Award that the stand of the respondents was that the petitioner was engaged to remove bushes etc. from outside the office of the respondents, as per availability of work, for which he was compensated from the contingency fund of the Block and as there was no work for the petitioner, his services were terminated, but this contention of the respondents did not find favour with the learned Labour Court and in light of the fact that the Award passed by the learned Labour Court has attained finality, now the State cannot take a stand contrary to the contents of the Award. Therefore, as it was neither the stand of the respondents before the learned Labour Court that this petitioner was engaged under the MGNREGA Scheme nor any finding has been returned to this effect by the learned Labour Court, the stand so taken by the respondents in the reply apparently is nothing but an afterthought. The respondents cannot take a stand other than it took before the learned Labour Court so as to improve their case.

12. In light of the above observations, as the contention



of the respondents that the petitioner was engaged under MGNREGA and, therefore, his services cannot be regularized, cannot be accepted.

13. Accordingly, this petition is allowed. Respondents are directed to regularize the services of the petitioner in terms of the policy of the State Government, which shall be applicable in the case of the petitioner by taking his date of joining on daily wage to be 01.12.2009. As no relief of work charge status has been claimed by the petitioner, therefore, no observation is being made on this count by the Court. As from the date of regularization, the benefits which accrue in favour of the petitioner, shall be notional and actual benefits shall be conferred upon the petitioner by the State as from the date of the filing of this writ petition. In case, needful is not done by the State within a period of three months from today, in terms of this judgment, then benefits, if any, to which the petitioner will be entitled to as from the date of this judgment, shall also entail simple interest at the rate of 6% per annum.

14. The petition is disposed of in above terms. Pending miscellaneous application(s), if any, also stand disposed of



accordingly.

(Ajay Mohan Goel)
Judge

March 12, 2026
(Shivank Thakur)