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No. Fin(C)A(9)-3 /2016
Government of Himachal Pradesh,
Finance (Regulation) Department

From

The Addl. Chief Secretary (Finance) to the
Government of Himachal Pradesh

To

1. All the Administrative Secretaries to the
Government of Himachal Pradesh
2. All the Heads of Departments in H.P.

Dated Shimla-2, the 28th October, 2021

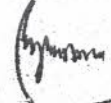
Subject: Regarding regularization of services of daily wagers.

Sir/Madam,

I am directed and to say that the daily wagers working in various Department/Boards/ Corporations/ PSUs/Autonomous Bodies are claiming the benefit of regularization from retrospective date(s) by filing Court cases on the strength of the Judgment dated 31.07.2014 rendered by the Hon'ble High Court of H.P. in CWP No. 2415/2012 titled as Mathu Ram Vs. Municipal Corporation & others. However, as per the State Government Policy issued from time to time, daily wagers are required to be regularized after completion of the prescribed length of daily wage service against the available regular vacant posts of the concerned category, without any creation of new posts in the department. Moreover, once the regularization policy of the Government, as in force after 01.04.2006 onwards, provided for regularization against available vacant post(s) or creation of posts, which was done on completion of required years of service as per the particular regularization policy. The grant of retrospective regularization without there being any vacant/available post(s) dehors the regularization policy of the Government.

The Judgment of Mathu Ram's case is based on Rakesh Kumar's case. The Hon'ble High Court of H.P., vide para 7 of Judgment

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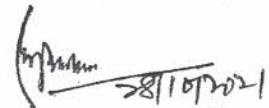

28/10/2021

dated 28.07.2010, delivered in CWP No. 2735 of 2010 titled Rakesh Kumar & others Vs. State of H.P., has issued directions to the respondents to consider the cases of the petitioners herein for conferment of work charged status, subject to their eligibility in terms of policy dated 3.04.2000 and dated 6.05.2000, as explained in Para 2 & Para 3 of the aforesaid judgment. The Hon'ble High Court in Rakesh Kumar's case has not made any modification in the State Government's orders of regularization issued in the year 2000 or after that.

Factually, as per the regularization policy of Daily Wagers, completion of the requisite number of years of daily waged service for consideration to be regularized is mandatory and regularization in all such cases is to be done against regular vacant post with prospective effect i.e. from the date of issue of orders of regularization and after completion of codal formalities. Thus it is evident from the judgment of Rakesh Kumar's case and provisions of the Regularization Policy of the State Government that the benefits of regularization, after completion of the required years of service rendered on daily wage basis in the Government departments, shall be admissible prospectively subject to availability of regular vacant post of the concerned category in the Department.

Therefore, in view of the position explained above, it is requested that before taking a decision to implement or contest the case further in Hon'ble Court, the opinion of Law Department and Department of Personnel may be obtained in the context of prevalent regularization policy of the Government. In case the clarification(s) on any point(s) other than those specified in this communication is required, the proposal(s) may be sent to the Finance Department on Departmental file by framing the specific point(s) for opinion.

Yours faithfully,



Deputy Secretary (Finance) to the
Government of Himachal Pradesh

30/8/21/10/1

03 DEC 2021

शिमला-1


**DIRECTORATE OF ELEMENTARY EDUCATION
HIMACHAL PRADESH, LALPANI, SHIMLA-171001**

Endorsement No: EDN-H (Ele)(1)B-6/99-2010-Vol-VI-113(Fin), dt:

December, 2021

Copy for information and necessary action to: -

1. The Joint Director(s), Directorate of Elementary Education, HP Shimla-1.
2. The Joint Controller (F&AS), Directorate of Elementary Education, HP Shimla-1.
3. All the Branch Officer, Directorate of Elementary Education, HP Shimla-1.
4. All the Deputy Director of Elementary Education, Himachal Pradesh.
5. The District Attorney, Directorate of Elementary Education, HP Shimla-1.
6. The Assistant Controller (F&AS), Directorate of Elementary Education, HP Shimla-1.
7. The Drawing and Disbursing Officer, Directorate of Elementary Education, HP Shimla-1.
8. The Section Officer (F&AS), Directorate of Elementary Education, HP Shimla-1.
9. All the Branch Superintendents, Directorate of Elementary Education, HP Shimla-1.
10. The Nodal Officer (IT cell), Directorate of Elementary Education, Himachal Pradesh, with the remarks to upload the same on departmental website.
11. The Private Secretary to the Director Elementary Education, HP Shimla-1.
12. The Private Assistant to the Joint Director (Admn.), Dte. of Elem. Edu. H.P. Shimla-1.
13. Guard file.


**(Dr. Bhuwan Sharma) HPAS,
Joint Director (Administration),
Directorate of Elementary Education,
Himachal Pradesh, Shimla-171001,**