

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

No. PWE-82-1-Apptt.(Seniority list)/ESI- 6043-6142 Dated:- 05/8/2024

To

The Engineer-in-Chief(Projects)
All the Chief Engineers/Architects in HPPWD
All the Superintending Engineer in HPPWD
All the Executive Engineers in HPPWD
All the Land Acquisition Officers in HPPWD
All the Branch Incharge in this office.

Subject:-

Tentative Seniority list of Clerk as it stood on 31.12.2003,31.12.2006,31.10.2010& 31.08.2014 in HPPWD by virtue of the decision of the Hon'ble High Court in CWP(T) No. 9797/2008 and upon dismissal of SLP No.21468/2023.

In this regard, it is intimated that Smt. Dropta Devi W/o Shri Manoj Kumar R/o Village & Post Office Chanair, Tehsil Theog, District Shimla, H.P who was initially engaged as daily waged Beldar in the department w.e.f.01/05/1992 under Theog Diviosn HPPWD Theogand her services were regularized w.e.f. 12.09.2006 as per regularization policy dated 09.06.2006 and as per the verdict of the Hon'ble Apex Court in Mool Raj Upadhayay's case, retrospective benefit was given w.e.f. 01.01.2002 upon completion of 10 years of continuous service as daily waged Beldar.

The aforesaid Class-IV official during the year 2003 filed OA No.3264/2003before erstwhile Hon'ble Himachal Pradesh Administrative Tribunal at Shimla, seeking therein directions to the respondents to consider her for the post of Typist from the date of her regularization w.e.f. 01.01.2002 with all consequential benefits. The Original Application was transferred to the Hon'ble High Court after abolition of the Tribunal and registered as CWP (T) No. 9797 of 2008 and same was allowed by the Hon'ble High Court through its judgment dated 17.09.2012 with the directions to regularize the petitioner as Clerk w.e.f. 1.1.2002, with all consequential benefits, however, the arrears were restricted to three years prior to the date of institution of the writ petition i.e. 18.11.2003.

In order to consider the claim of the applicant as per the directions of the Hon'ble High Court, the matter was referred to the Govt. for examination and opinion, vide letter No.PBW-A-E(1)-184/2012 dated 07.02.2013 advised to assail the matter by way of filing the LPA in the matter. Accordingly LPA was filed by the department before the Hon'ble High Court and registered as LPA No.4040 of 2013 and after hearing said LPA was disposed off by the Hon'ble High Court through its judgment dated 13.10.2022 with its opinion that learned Single Judge had rightly allowed the writ petition filed by the respondent and therefore, no ground for interference by this Court, is made out subsequently, decision of the Hon'ble High Court in LPA No.4040/2013, was referred to Govt. for further advice in the matter and as per advice of the Govt. SLP was filed before the Hon'ble Apex Court and registered as SLP (C) No.21468/2023 which was dismissed by the Hon'ble Apex Court dated 25.09.2023 with the plea that " **We are not inclined to interfere with the judgment impugned herein under Article 136 of the constitution of India** and further as per opinion of the Govt. dated 26.02.2024, the order of the Hon'ble High Court on 17.09.2012 has attained finality.

Keeping in view the facts as stated in the final judgement . The service of Smt. Dropta Devi is to be re-designated as Clerk w.e.f.01.01.2002 (i.e. from the date of regularization as Beldar) and accordingly, the seniority and other consequential benefit is to be granted to her by adding her name in the existing seniority list as proposed as under, which is mandatory to implement the order:-

Sr. No.	Name	Date of birth Date of appointment as Beldar/ Educational qualification	Proposed seniority as Clerk as per direction of Hon'ble High Court in CWP(T) No. 9797/2008 and upon dismissal of SLP No. 21468/2023	Letter No.& Date of Seniority circulated
1	Smt.Dropta Devi, Beldar	<u>03.12.1974</u> <u>01.01.2002</u> 10 th	Date	01.01.2002
			Seniority No.	1650 A
			below Sh.Dalip Kumar above Sh.Chaman Lal	
			No.PWE-82-1-Seniority list Clerks/ESI-5045-5165 Dated 24.06.2004	
			Seniority as on 31.12.2003	
			Date	01.01.2002
			Seniority No.	521 A
			below Sh.Dalip Kumar above Sh.Chaman Lal	
			No.PWE-82-1-Seniority list Clerks/ESI-8505-8624 Dated 11.08.2008	
			Seniority as on 31.12.2006	

Further in view of above, the official is proposed to be designed as Junior Assistant w.e.f. 28.07.2008 and her name shall be added at Sr.No.79 (A) Seniority No.521 (A) in the pay scale of Rs 4400-7000 i.e. from the date when incumbents appointed on or before 01.01.2002 have been designated as Junior Assistant and therefore the letter No.PWE-80-1/Jr.Assstt./ESI-12131-230 dated 23.10.2008 issued by this office is also proposed to be amended to that extent.

Further, the seniority of Clerk/Junior Assistantas on 31.10.2010 circulated vide this office letter No.PWE-82-1-Seniority list Clerks/ESI-20381-20480 Dated 02.11.2010 is proposed to be amended as under:-

Sr. No.	Name	Date of birth/ Date of appointment as Beldar/ Educational qualification	Proposed seniority as Clerk/Junior Assistant as per direction of Hon'ble High Court in CWP(T) No. 9797/2008 and upon dismissal of SLP No.21468/ 2023
1	Smt.Dropta Devi, Beldar	<u>03.12.1974</u> <u>01.01.2002</u> 10 th	Seniority No.533 B <u>below Sh.Dalip Kumar</u> <u>above Sh.Chaman Lal</u>


Further, the seniority of Clerk/Junior Assistant as on 31.06.2014 circulated vide this office letter No.PWE-82-1-Seniority list Clerks/ESI-6095-6194 Dated 29.07.2015 is also proposed to be amended as under:-

Sr. No.	Name	Date of birth/ Date of appointment as Beldar/ Educational qualification	Proposed seniority as Clerk/Junior Assistant as per direction of Hon'ble High Court in CWP(T) No. 9797/2008 and upon dismissal of SLP No.21468/ 2023
1	Smt.Dropta Devi, Beldar	<u>03.12.1974</u> <u>01.01.2002</u> 10 th	Seniority No.538A <u>below Sh.Dalip Kumar</u> <u>above Sh.Chaman Lal</u>

Now, in view of above position the provisional/final seniority circulated vide earlier dated 26.04.2004, 11.08.2008, 02.11.2010 & 29.07.2015 is to be revised as per order passed by the Hon'ble Court in the case of Smt. Dropta Devi v/s State of HP and the same is being circulated for inviting objections of all concerned within 15 days from the date of issue of revised seniority. No objection after stipulated date shall be entertained. **Amended seniority list can be downloaded from the departmental website i.e. www.hppwd.gov.in.**

It is therefore requested that the revised seniority list may be circulated amongst the concerned official, so that it could be finalized and case of the Smt. Dropta Devi to accord benefit may be proceeded further to avoid any litigation in future.

Treat is as most urgent/time bond being a court matter.


(Er. N. P. Singh)
Engineer-in-Chief,
HPPWD, Shimla-02

Copy to the Nodal Officer (IT) in this office for uploading the same in the departmental website of the department.

— Sd —
(Dola Ram)
Registrar,
HPPWD, Shimla-02.