

## News

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### **Himachal Pradesh High Court Allows HRTC Employees to Request Regularization After State Denies Workers Just Claims Through Temporary Appointments**



The petitioners had petitioned the Himachal Pradesh High Court to have the contested office orders overturned and to order the Himachal Road Transport Corporation to start providing normal services.

The Himachal Pradesh High Court noted that the State or its representatives are using an exploitative approach in the field of public employment to avoid its liabilities, depriving the employees of their rightful claims and benefits by making initial appointments on a temporary basis, while directing the regularization of certain Himachal Road Transport Corporation employees.

The petitioners went to the High Court to ask that the contested office orders be overturned

and that the respondent, HRTC (Himachal Road Transport Corporation), be ordered to regularize their services after eight years had passed since their original appointment.

*"Despite having been granted the status of custodian of its citizens' rights, the State or its functionaries consistently use exploitative methods in the field of public employment to avoid its liabilities, depriving the people employed of their just claims and benefits by making initial appointments on a temporary basis, i.e. contract, adhoc, tenure, daily-wage, etc., in order to shirk its responsibility and delay the conferment of work-charge status or extension of benefits of regularization Policy of the State by not notifying Policies in this regard over time."*

This was noted by the Division Bench of **Justices Vivek Singh Thakur and Ranjan Sharma**. The current situation serves as another illustration of this approach.

**Advocate Shubh Mahajan** represented the Respondent, and **Advocate Manohar Lal Sharma** represented the Petitioners.

## Factual Background

The petitioners' services were terminated by HRTC on various dates, and they filed a complaint with the Industrial Tribunal-cum-Labor Court to challenge this decision. The petitioners were granted reinstatement with seniority and continuity of service, with retroactive effect and no back pay, by the Labor Court's ruling. The petitioners were reinstated as a result. However, after eight years of service, the petitioners were not granted the advantage of regularization. As a result, the petitioners filed Original Applications with the former HP State Administrative Tribunal.

The HRTC decided the petitioners' preferred representations in the contested orders, and the petitioners' claim was denied. In *Rishi v. Himachal Road Transport Corporation and Others* (2013), the High Court's ruling was cited.

## Reasoning

"The rejection order is a glaring example of complete nonapplication of mind, much less judicious mind," the Bench stated, referring to the order that rejected the petitioners' claim. The sole justification offered for differentiating and separating the petitioners' case from Rishi's was that, in Rishi's case, a specific date was indicated in order to regularize Rishi, but

the orders made in the current petitioners' cases did not include the same date. The Bench believed that the dates of the petitioners' original appointments, which were and are accessible with the respondent-Corporation, should be used to determine the precise date of the eight-year completion.

Because the HRTC did not raise any other objection at the time the claim of the petitioners was rejected, the Bench determined that the HRTC's grounds were without merit and that the HRTC would be prohibited from raising any additional objections. The Mohinder Singh Gill and others vs. The Chief Election Commissioner, New Delhi and others (1978) verdict was cited, according to which reasons are not like wine that ages with time.

"It is established that although the law of limitations is not applicable, the principle of delay and laches is attracted for adjudication of a petition under Article 226 of the Constitution of India, and a petitioner may be ousted or deprived of monetary benefits or interest on delayed payment for delay and laches in appropriate case," the Bench stated in response to the questions of delay and laches.

Therefore, we believe that the petitioners in this appeal are not liable to be denied financial advantages from the due date due to laches and delay. However, they won't be eligible for interest on late payments, and real financial benefits will be given based on the date the initial proceeding or petition was filed, claiming the relief requested in this case," it continued.

As a result, the Bench granted the petitions, stating that the "respondent-Corporation is directed to regularize the services of the petitioners upon completion of 8 years of daily wage service from the initial date of appointment with all consequential benefits and issue appropriate orders for the said purpose with all consequential benefits." However, the petitioners must get the actual financial benefits for three years before the current petitions are filed; before that, the benefits will only be provided on a theoretical basis.

**[Neutral Citation: 2025:HHC:16059] Cause Title: Hem Chand v. Himachal Road Transport Corporation**

Advocates Manohar Lal Sharma and Himanshu Kapila are petitioners for appearance. Respondent: Attorneys Vikas Rajput, Mamta, Raman Jamalta, B.N. Sharma, Shubh Mahajan, and Aashima Premy