

(2010) 12 SHI CK 0032
In the High Court Of Himachal Pradesh
Case No : CWP No. 12064 of 2008

Asha Sharma

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 27-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0032

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, J.—The petition has been filed on the following substantive prayers vide para 7(i) to (vi):

(i) To direct the Respondents to allow the applicant to join the service and give her the posting orders posting her in some school.

(ii) To grant extra-ordinary leave to the applicant w.e.f. 7.9.1976 to 2.10.1985.

(iii) To pay the arrears of salary including all allowances w.e.f. 3.10.1985 till the date of payment along with interest at the rate of 18% per annum.

(iv) To direct the Respondents to reconstruct the service book of the applicant.

(v) To direct the Respondents to count the leave period w.e.f. 7.9.1976 to 2.10.1985 for the purpose of pension and all other service benefits.

(vi) If the applicant superannuates during the pendency of the case then to release her pension and arrears of salary, including all service benefits, along with interest at the rate of 18% per annum.

2. In reply on behalf of the Respondents, the following stand has been taken vide paras 3 to 5:

3. That in reply to the reliefs as claimed by the applicant it is submitted that on the direction of the replying Respondent the service book of the applicant has

been re-constructed by the Distt. Primary Education Officer, Kullu and after constructing the same the Distt. Primary Education Officer, Kullu vide his letter dated 1.9.2001 sent to this office for further action.

4. That after receiving the service book of applicant the same has been sent to the Govt. vide letter dated 25.9.2001 for approval and necessary direction, but no directions in this regard have been received till so far.

5. That on the receipt of the direction from the Govt. the case of the applicant will be settled in accordance with the directions of the Govt.

3. Rejoinder refuting the above stand and reiterating the averments set up in the petition has been filed.

4. In view of the above reply, in case the Petitioner still has any surviving grievance with regard to factual or legal aspects of the matter, she shall be free to make a representation to Respondent No. 2/competent authority along with copy of this judgment within one month from today and the said Respondent/competent authority shall consider and take a final decision thereon within next three months, after affording an opportunity of being heard to the Petitioner, if so desired.

5. The petition stands disposed of, so also pending CMP(s), if any.