

(2011) 03 SHI CK 0126
In the High Court Of Himachal Pradesh
Case No : CWP No. 952 of 2011

Ashok Kumar

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 04-03-2011

Acts Referred:

Citation : (2011) 03 SHI CK 0126

Hon'ble Judges : Kurian Joseph, C.J;Rajiv Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition is filed with the following prayers:

(i) That a writ in the nature of mandamus or any other appropriate writ may kindly be issued and the Respondents may be directed to grant the service benefits to the Petitioner after following the merit in the selection list prepared by a duly constituted selection committed as has been held by this Court in LPA No. 53 of 2009 titled as Sita Ram v. State of H.P. decided on 8.12.2010 (Annexure P-1), as such the Petitioner is similarly situated person and also falls in the merit of selection list at Sr. No. 3, the limitation will not come in the way of the Petitioner in view of the judgment rendered by the Hon"ble Apex Court in case title K.C. Sharma and Ors. v. Union of India (5 Judges Bench).

(ii) That a writ in the nature of mandamus or any other appropriate writ may also be issued directing the Respondents to consider the case of the Petitioner along with Shri Sita Ram in whose favour the judgment has been delivered on 8.12.2010 in LPA No. 53 of 2009 and the three months time will be over on 8.3.2011, the Petitioner is similarly situated person and also prays for same relief i.e. for the implementation of the merit in the selection list as prepared by the selection committed to the post of Constable (Radio Technicians) with all consequential service benefits etc.

2. In LPA No. 53 of 2009 (Annexure P-1) this Court has held that "once the date of appointment is taken as a norm among candidates appointed on the same

day, their inter se seniority has to be fixed on the basis of merit in the select list." Since the seniority thus has to be fixed on the basis of the principle settled above and in case the Petitioner herein is also similarly situated, the case of the Petitioner will also be examined in the light of the principle settled by this Court in the judgment as extracted above. The needful shall be done expeditiously. The Petitioner will produce a copy of this judgment alongwith copy of the writ petition before the 1st/2nd Respondent.

3. The writ petition is disposed of, so also the pending application(s), if any.