

**(2011) 03 SHI CK 0122**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP No. 811 of 2011**

Ashwani Kumar

APPELLANT

Vs

Himachal Pradesh State Electricity Board and Others

RESPONDENT

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**Date of Decision :** 04-03-2011

**Acts Referred:**

**Citation :** (2011) 03 SHI CK 0122

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

**Bench :** Division Bench

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## Judgement

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

(a) This Hon''ble Court may kindly be pleased to direct the Respondents by way of issuance of Writ of Mandamus to consider the Petitioner as having been appointed against the post of Helper sub station pursuant to office order dated 02/08/2008 on regular basis for all intents and purpose and further this Hon''ble Court may be pleased to issue a Writ of Certiorari quashing the word "contract" from the appointment letter, dated 02/08/2008 issued to the Petitioner on contract basis.

(b) This Hon''ble Court may further be pleased to issue a Writ of Mandamus directing the Respondent State of pay to the Petitioner all the emoluments he is entitled as a regular employee in the establishment of Respondent No. 3 w.e.f. Petitioners date of his initial appointment with all consequential benefits including counting the period for the purpose of seniority etc.

2. A similar issue was considered by this Court leading to judgment dated 28.10.2010 in Hem Raj v. State of H.P. and others, CWP No. 2466 of 2010 and other connected matters. The operative portion of the judgment reads as follows:

There will be a direction to the Director, Animal Husbandry to see whether 3% quota of disabled persons has been met in the category of regular beldars. In case there is deficiency in the 3% quota in the cadre strength of regular beldars,

the persons recruited in these cases shall be adjusted against those regular vacancies, since the recruitment process is the same for daily wages beldars and regular beldars, We make it clear that it is open to the Animal Husbandry department to ear-mark separate quota of 3% as against the daily waged beldars as well, subject to fulfillment of regular beldars in the ear-marked quota of 3%. Needful adjustments in the case of Petitioners in the light of this judgment shall be done by the Director, Animal Husbandry, within a period of four months from the date of production of copy of this judgment by the Petitioners. Consequential benefits shall also be disbursed within another period of two months.

3. Petitioner being similarly situate person, this writ petition is disposed of in terms of the judgment extracted above with a further direction to do the needful within a period of three months from the date of receipt of certified copy of this judgment alongwith a copy of the writ petition by the Petitioner before the first Respondent. The pending application(s), if any, also stands disposed of. No costs.