
(2010) 12 SHI CK 0291
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 4093 of 2008

Bhagi Rath	Vs	APPELLANT
State of H.P. and Another		RESPONDENT

Date of Decision : 31-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0291

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajiv Sharma, J.—Petitioner was appointed as J.B.T. teacher on 25.02.1966. He was transferred from Shimla to Mandi on 26.06.1973. He was promoted as Head Teacher on 22.08.1995 and he joined as Head Teacher in Government Primary School, Bhadiar on 13.09.1995. However, the promotion order has been withdrawn vide Annexure P-2, dated 23.02.1996. He preferred an Original Application No. 399 of 1996 before the learned erstwhile Himachal Pradesh Administrative Tribunal against the order dated 23.02.1996 (Annexure P-2). The learned Tribunal treated the Original Application as representation on 08.10.1996. The same was rejected by the Special Secretary (Education), Government of Himachal Pradesh on 25.02.1997.

2. Mr. Onkar Jairath, learned Counsel for the Petitioner has strenuously argued that his client has rightly been promoted as Head Teacher on 22.08.1995 on the basis of seniority assigned to him on 25.02.1966. Petitioner was assigned seniority at Sr. No. 671 w.e.f. 1966. However, vide corrigendum dated 31.01.1996, the same has been altered to Sr. No. 1588 (b). Mr. Onkar Jairath, learned Counsel for the Petitioner has further argued that the Petitioner's option was also sought at the time of his transfer from District Shimla to District Mandi. However, the Petitioner has not placed on record the copy of the option letter. It is settled law by now that once the person is transferred from one District to another District, he is to be placed at the bottom of the seniority list. In other

words, the principle of dove-tailed has to be adopted. In this case, since the Petitioner was transferred from District Shimla to District Mandi, his seniority was to be dove-tailed. In other words, his seniority was to be counted from the date when he joined his duties in District Mandi. There is no illegality in the action of the Respondents, whereby the Petitioner has been reverted on the basis of newly assigned seniority position.

3.. Accordingly, there is no merit in this petition and the same is dismissed. No costs.