
(2012) 09 SHI CK 0031
In the High Court Of Himachal Pradesh
Case No : CWP No. 3573 of 2009-G

Bharat Bhushan

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 12-09-2012

Acts Referred:

Citation : (2012) 09 SHI CK 0031

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

Bench : Single Bench

Advocate : J.S. Guleria, Assistant Advocate General, for respondents No. 1, 2 and 4 and None, for the Respondent

Judgement

V.K. Ahuja, J.—The petitioner got the application for early hearing allowed and the matter was posted for hearing in the month of September, 2012, but none has put in appearance on behalf of the petitioner. The petitioner has filed the present petition claiming the following reliefs:-

(a) That this Hon''ble Court may kindly be pleased to issue a writ of certiorari quashing the order, dated 23.9.2009 (Annexure P-6) and order dated 1.10.2009 (Annexure P-7).

(b) That this Hon''ble Court may kindly be pleased to issue a writ of mandamus directing respondent No. 2 to permit the petitioner to perform his duties as Traffic Inspector in the office of respondent No. 4 and to further absorb the petitioner against the said post in accordance with the option taken from the petitioner by respondent No. 2.

2. A notice of the petition was issued to the respondents, who filed reply.

3. Briefly stated, the facts of the case are that the petitioner was serving in H.R.T.C. Department initially as a Conductor and then was promoted as Inspector and was sent to the department of R.T.O. Office (Flying Squad), Mandi, on secondment basis. Thereafter, the office of R.T.O. (Flying Squad) has been

shifted to R.T.O. Office Kullu. He was serving there and thereafter vide Annexure P-6 dated 23.9.2009, he was repatriated to his parent organization, that is, H.R.T.C. Shimla, with immediate effect. The petitioner has taken the plea that he should be absorbed in the office of R.T.O. and has challenged the order of repatriation. The decision was taken by the department to repatriate him to his parent Organization, that is, H.R.T.C. as per Annexure R-1 and he was repatriated on completion of three years. He does not have a right to be absorbed in the office of R.T.O. once he has been sent on secondment basis. No case is made out for setting aside the order Annexure P-6, vide which the petitioner was repatriated to his parental organization i.e. H.R.T.C. and, therefore, the petitioner cannot be granted the relief claimed by him. However, still the petitioner has any subsisting grievance left, he can make a representation to the State Government claiming the relief as claimed by him and the State Government is at liberty to consider his case, in view of the rules and in accordance with law. In view of the above, the petition stands disposed of, so also the pending miscellaneous application(s), if any.