
(2010) 10 SHI CK 0136
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 5471 of 2008

Budh Ram Gupta and Others

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 27-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0136

Hon'ble Judges : Kurian Joseph, C.J;Kuldip Singh, J

Bench : Division Bench

Judgement

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

(a) That in view of the facts and circumstances stated hereinabove, it is most respectfully prayed that the order dated 16.6.1998 may be quashed and set aside and the respondents may be directed to issue certificates to the applicants taking into consideration their date of appointments as 23.2.1985 in case of applicant No. 1 and 2 and 1.5.85 in case of applicant No. 3. After granting certificates to the applicants w.e.f. 1995 the respondents may be directed to refix pay of the applicants in regular pay scale of JBT teachers accordingly with all consequential benefits.

2. In the reply, it is stated at para 6(ii) and 6(iii) as follows:

6(ii). That in reply to this para it is submitted that as per the information received from the District Primary Education Officer the applicant No. 1 Budh Ram joined the service as Volunteer teacher on 23.2.85 but remained absent from duty from 24.6.86 to 12.8.86 for 50 days and he resumed his duty on 13.8.86. So in this way according to the norms and rule the applicant No. 1 was entitled for special JBT certificate from 13.8.86 from which period he remained for continued service of ten years. Similar in the case of applicant No. 2 and No. 3 Devi Singh Thakur and Shri Kewal. Hence, the JBT Special Certificate to the applicants have been issued rightly from the date as mentioned in the Special JBT Certificate.

6 (iii) That in reply to this para it is also submitted that as per the information received from the District Primary Education Officer Kullu respondent No. 3 that the applicant have failed to continue the service of complete ten years, so the broken period (absence period without pay) has been deducted and the continued period of ten years service has been taken for the award of special JBT certificate. This fact is also made clear from the Annexure A-14, which provides that Special JBT Certificates have to be issued to the Volunteer Teacher after the completion of continued of ten year service.

2. According to the petitioner, the said break has since been regularized as leave and hence it cannot be said that there is a break. The petitioners may produce the relevant documents whereby the break has been regularized as leave in service. In case the petitioners approach the second respondent, the matter will be duly considered afresh by the second respondent and appropriate action in accordance with law will be taken in accordance with law in the matter in the light of the materials produced by the petitioner within a period of four months from the date of production of a copy of this judgment by the petitioner concerned.

3. The writ petition is disposed of, so also the pending applications, if any.