

(2024) 05 SHI CK 0114

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 3991 Of 2024

Deepashwer Singh

APPELLANT

Vs

State Of H.P. & Ors

RESPONDENT

Date of Decision : 28-05-2024

Acts Referred:

Citation : (2024) 05 SHI CK 0114

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Onkar Jairath R.S.Verma, Y.P.S.Dhaulta, L.N. Sharma, Sikandar Bhushan

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

CMP No.6758 of 2024

1. The application is allowed and the delay in refiling the writ petition is condoned.

CWP No.3991 of 2024

2. Notice. Mr. L.N. Sharma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

3. With the consent of learned counsel for the parties, the matter is heard at this stage.

4. The projected case of the petitioner is that he was appointed as Pharmacist on 19.02.2004. The said appointment was on contractual basis, but made after following transparent selection process and after completing all legal and codal formalities.

The petitioner was initially appointed for the period of 89 days, but he continued

to work thereafter on the said post continuously and without any interruption.

5. It is the contention of the learned counsel for the petitioner that the petitioner was entitled for regularization of his service in the year 2012 in terms of the regularization policy dated 31.08.2012. However, the respondent-Department regularized petitioner's services vide memorandum dated 05.07.2013 with immediate effect.

6. On the basis of the aforesaid facts, prayer has been made for directing the respondents to regularize the services of the petitioner in accordance with the said policy from due date i.e. on and w.e.f. 12.02.2012 i.e. the day when the petitioner statedly completed 8 years' of continuous service on contract basis with all consequential benefits.

7. In response of the above prayer, reliance has been placed upon a decision dated 17.06.2022, rendered in CWPOA No. 7370 of 2019 (Rajinder Kumar Vs. State of H.P. & Ors) as well as decision dated 05.08.2022, rendered in CWPOA No. 7401 of 2019 (Sh. Kailash Chand Vs. State of H.P. & Ors). Learned counsel for the petitioner submitted that the respondents have complied with the directions given in the aforesaid decisions for regularizing the services of the petitioner(s) therein, who were similarly situated as the petitioner in the instant case from the due date in terms of the policy dated 31.08.2012.

Learned counsel further submits that the petitioner would be content in case the respondents/ competent authority is directed to consider and decide the case of the petitioner in light of the aforesaid facts of the instant case vis-à-vis decisions rendered in the aforesaid judgments. Learned Additional Advocate General is not averse to this prayer.

8. Having regard to above submissions and without going into the merits of the case, this petition is disposed of by directing the respondents/competent authority to consider the case of the petitioner in light of the aforesaid judgments and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order. The decision so arrived at, shall also be communicated to the petitioner.

Pending miscellaneous application(s), if any, also to stand disposed of.