

(2014) 05 SHI CK 0032
In the High Court Of Himachal Pradesh
Case No : CWP No. 7509/2012

Dr. Lok Pal

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 29-05-2014

Acts Referred:

Citation : (2014) 05 SHI CK 0032

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Advocate : B.C. Negi, Advocate for the Appellant; R.P. Singh, Assistant Advocate General for Respondents Nos. 1 and 2 and Mr. Dilip Sharma, Sr. Advocate and Mr. Manish Sharma, Advocate for Respondent No. 3, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sharma, J.—Respondent No. 3 issued an advertisement on 27.7.2012, whereby applications were invited for recruitment of faculty on contract basis as Assistant Professors/Lecturers in various Engineering/Applied Sciences and Humanities disciplines for a period of six months. Petitioner submitted an application for considering his candidature in sequel to advertisement dated 27.7.2012. Nine candidates out of twenty candidates participated/appeared before the interview Board on 22.8.2012. Petitioner was found suitable and offered appointment on 24.8.2012. He was appointed as Lecturer on hourly/lecture basis.

2. Mr. B.C. Negi, learned Advocate has vehemently argued that the petitioner should have been appointed on contract basis instead of hourly/lecture basis.

3. Mr. Dilip Sharma, learned Senior Advocate and Mr. R.P. Singh, learned Assistant Advocate General have argued that permission was initially granted only to fill-up the posts on hourly/lecture basis as per letter dated 24.5.2012.

4. I have heard learned counsel and also gone through the pleadings carefully.

5. It is true that posts in question were to be filled up on contract basis. However, petitioner has been offered appointment on hourly/lecture basis. It is clear from the proceedings of the meeting of the Selection Committee held on 22.8.2012 that the petitioner and other similarly situate persons have been appointed on hourly/lecture basis. Petitioner has also given his undertaking vide Annexure R-5, whereby he has agreed to work on a reduced salary of Rs. 21,000/- per month under the Student Welfare Scheme of the Government. He had also undertaken not to claim the salary which has been mentioned in the advertisement.

6. Petitioner has himself agreed to get a reduced salary of Rs. 21,000/-. In view of this, petitioner is estopped from challenging the appointment letter dated 24.8.2012. He has also given his undertaking, as noticed above.

7. Mr. Dilip Sharma, learned Senior Advocate has brought to the notice of the Court that two candidates have been selected on regular basis as per Notification dated 25.11.2013. He has placed on record notification dated 25.11.2013. According to condition No. 1 of the appointment letter dated 24.8.2012, appointment of the petitioner was purely on hourly/lecture basis and his services were liable to be automatically terminated in case of joining of faculty on regular/contract basis. Since new incumbents have now been selected on the posts by the H.P. Public Service Commission, petitioner has no right to continue against the post in question.

8. In view of the discussion and analysis made hereinabove, there is no merit in the petition and the same is dismissed. Pending application(s), if any, also stand disposed of. No costs.