

(2010) 10 SHI CK 0299
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 6072 of 2008

Gopal Singh

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 20-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0299

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

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—This petition has been filed with the following prayers:

(i) The application may kindly be allowed and office order No. HMF/HQ-III/PER-59/84-3839 & 4565 dated 3.11.97 and 22.12.97 (Annexures P-14 & P-15) Page 72-73 be quashed, the same being against the principle of natural justice and equity.

(ii) The applicant be deemed to have been confirmed after completion of one year probation period in terms Rule 2.8 of the Service Rules of the respondent State Co-operative Milk Producers Federation, H.P.

(iii) The respondent be directed to regularize the period of unauthorized leave availed by the applicant by granting him leave of the kind due/leave to be earned.

(iv) The respondent be directed to restore the rightful place to the applicant in the seniority list of Technician (Electrical).

(v) The respondent be directed to order the promotion of the applicant with retrospective effect i.e. from 30.6.1995 on which date his junior was promoted as Foreman alongwith all consequential benefits.

2. Annexures P-14 and P-15 are appealable before the Registrar Co operative Societies. Having regard to the facts and circumstances of the case, we feel it appropriate that Registrar Co operative Societies/Appellate Authority considers

the matters with notice to the petitioner and respondents No. 2 and 3, since various factual aspects are to be gone into. Therefore, this writ petition is disposed of as follows.

3. In the event of the petitioner filing an appeal against Annexures P-14 and P-15 within one month from today before Registrar Co operative Societies, the same shall be treated to have been filed in time. Thereafter Registrar Co operative Societies shall dispose of the appeal with notice to the petitioner and respondents No. 2 and 3 within another three months.

4. The writ petition stands disposed of so also the pending application(s), if any.