

(2024) 01 SHI CK 0063

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 437 Of 2024

Govind Kumar & Ors

APPELLANT

Vs

State Of Himachal Pradesh & Ors

RESPONDENT

Date of Decision : 11-01-2024

Acts Referred:

Citation : (2024) 01 SHI CK 0063

Hon'ble Judges : Ranjan Sharma, J

Bench : Single Bench

Advocate : Vijay Kumar, Rajan Kahol

Judgement

Ranjan Sharma, J

1. Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. With the consent of the parties, the instant writ petition is taken up for disposal, at this stage, in view of the peculiar facts as borne out from the pleadings.

3. The petitioners have filed the instant writ petition with the following prayers:-

“(i) That writ in the nature of mandamus may kindly be issued, directing the respondents to convert the services of the petitioners on contractual basis against the post of pump attendant with effect from due date, i.e., 01.04.2020, instead of 04.11.2020, in the time scale of pay, with all consequential benefits.

(ii) That writ in the nature of mandamus may kindly be issued, directing the respondents to convert the services of the petitioners on regular basis after completion of 2 years of contractual services, w.e.f. due date, i.e., 01.04.2022, instead of 09.05.2023, with all consequential benefits, i.e., seniority, arrear and monetary benefits in the interest of justice and fair play.”

4. The only grievance of the petitioners is that the petitioners have been

converted and granted contractual status as pump attendant w.e.f. 04.11.2020 whereby, the petitioners are entitled to the aforesaid status w.e.f. 01.04.2020. Consequent upon the antedating the contractual status, the petitioners are also claiming the antedating of their regularization as mentioned in (i) & (ii) of the prayer clause.

5. Per contra, Mr. Rajan Kahol, learned State Counsel, submits that the instant petition, seeking mandamus is not maintainable for the reason that the petitioners have to assail the right/claim before the appropriate authorities, who are to examine the same and only in case of denial or delay therein the petitioners can approach this Court and not otherwise.

6. Faced with this situation, Mr. Vijay Kumar, learned counsel, on instructions of the petitioners prays for two weeks' time for making a representation to the Respondent No.2-Engineer-in-Chief, Jal Shakti Vibhag (I&PH) Department, Himachal Pradesh, Shimla. The prayer so made being innocuous is not opposed and is accordingly granted in the interests of justice.

7. In the entirety of the facts referred to above, this Court, permits the petitioners to make representation to the Respondent No.2-Engineer-in-Chief, Jal Shakti Vibhag (I&PH) Department, Himachal Pradesh, Shimla, either jointly or separately, within two weeks from today; with further directions to the aforesaid respondent to consider/examine the case of the petitioners, and to pass appropriate order(s) in the matter within six weeks thereafter.

9. Needless to say that, this Court has not adverted to the rival contentions and merits of the matter and all questions of facts and law are left open.

In aforesaid terms, the writ petition as well as the pending miscellaneous application(s), if any, shall also stand disposed of, accordingly.