
(2010) 11 SHI CK 0090
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 232 of 2008

Govt. Primary Teacher Federation

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 22-11-2010

Acts Referred:

Constitution of India, 1950 — Article 309

Citation : (2010) 11 SHI CK 0090

Hon'ble Judges : Kurian Joseph, C.J.;V.K. Ahuja, J

Bench : Division Bench

Judgement

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

(ii)To bring on record the names, addresses and also the seniority list of all the Ex-servicemen who stand given benefit in view of Annexure A-1 in District Una and the said persons may be ordered to be added as party, thereafter directions may be issued to the Respondents herein to re-draw the seniority list without considering Annexure A-3 solely on the basis of Annexure A-2, Rules framed under Article 309 of the Constitution of India, with all consequential benefits of pay, seniority, etc. etc. to the members of applicant federation.

(iii)That the impugned act of the Respondents above stated may be quashed and set aside and also Annexure A-3 directing if the same was never in vogue and further could not in law overawe Annexure A-2 and further directions may be issued to the Respondents to re-draw the seniority list as stated supra, vis a vis the members of the applicant federation and Ex-servicemen in District Una, with all consequential benefits in favour of the member of the applicant federation.

2. In the reply filed by the Director, it is stated as follows:

That in reply to this para it is submitted that all the Ex-servicemen teachers to whom the benefit of seniority was given, have been promoted in accordance with rules as already mentioned in reply to the writ petition of para 3. No illegality has been committed in promoting the Ex-servicemen, JBT teachers as all of them

have been promoted in accordance with instructions as per Annexure-A/3 and the seniority was given under rule-5(1) of the demobilized Armed Forces personal. Since, no illegality committed by the replying Respondents, however as per the list supplied by the Deputy Director of Elementary Education, Una, the name of Ex-servicemen who were given the benefit as per Annexure-A/3, are still in service and have retired from service is annexed as Annexure-R-I & R-II.

3. In view of the information thus furnished by the Director, in case any individual employee has any grievance, it will be open to such employee to pursue the matter in appropriate proceedings after impleading the necessary parties.

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