

(2023) 08 SHI CK 0049

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 4027 Of 2023

Jayanti Bhardwaj

APPELLANT

Vs

State Of H.P And Another

RESPONDENT

Date of Decision : 10-08-2023

Acts Referred:

Citation : (2023) 08 SHI CK 0049

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Onkar Jairath, Anup Rattan, Y.P.S. Dhaulta, Seema Sharma, Sumit Sharma

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. Notice. Mr. Y.P.S. Dhaulta, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. This writ petition has been filed for the grant of following substantive relief:-

"A. That the writ in the nature of mandamus or any other appropriate writ order or directions may kindly be issued directing the respondents to regularize the services of the Petitioner as TGT (Medical) by taking into consideration her initial engagement by counting the break in service occurred on account of illegal termination w.e.f. 28.12.1999 to 04.12.2008 and such period may be counted for all intents and purposes including the seniority in view of the law laid down by the Hon'ble High Court of Himachal Pradesh in CWP(T) No.5253/2008 vide judgment dated 21.04.2010 (P-3) as upheld by the learned Division Bench of the Hon'ble High Court in LPA No.146/2010 (P-4) with all consequential benefits."

3. Learned counsel for the petitioner submitted that the case of the petitioner is squarely covered by the judgment dated 21.04.2010 rendered by this Court in CWP(T) No.5253 of 2008 (Narain Singh Versus State of Himachal Pradesh and

others), as upheld in LPA No.146 of 2010 (State of Himachal Pradesh and others Versus Narain Singh alongwith connected matters), decided on 01.09.2015. Learned counsel further submitted that the petitioner would be content in case a direction is issued to the respondents/competent authority to consider and decide the case of the petitioner for redressal of her grievances raised in the writ petition in light of the aforesaid judgments within a fixed time schedule. Learned Additional Advocate General is not averse to this prayer.

4. Having regard to the afore-submissions, but without examining the merits of the matter, this writ petition is disposed of by directing the respondents/competent authority to consider and decide the case of the petitioner for redressal of her grievances raised in the writ petition, in accordance with law and taking into consideration the above judgments within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.