

(2011) 04 SHI CK 0161
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 13881 of 2008

Jeet Ram Chandel

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 28-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0161

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Judgement

Rajiv Sharma, J.—Petitioner was appointed as Trained Graduate Teacher in Gandhi Public School at village Kiara, Tehsil Theog, District Shimla. The State Government has taken a decision to take over the School, as per the averments contained in the petition, on 12th March, 1990. Since the services of the Petitioner has not been taken over, he filed an Original Application bearing No. 547 of 1992 before the learned erstwhile Himachal Pradesh Administrative Tribunal. The same was directed to be treated as representation. The representation was rejected on 15th December, 1992. Petitioner again approached the learned Tribunal by way of Original Application No. 595 of 1993. The learned Tribunal vide order dated 07.10.1994, quashed the order dated 15th December, 1992 and ordered the appointment of the Petitioner as Trained Graduate Teacher immediately anywhere in the State of Himachal Pradesh. The Petitioner was appointed as Trained Graduate Teacher on 31st October, 1994. Since the Petitioner has not been given the benefit of service rendered in Gandhi Public School, he filed an Original Application No. 460 of 2006 before the learned Tribunal. The learned Tribunal treated the Original Application as representation vide order dated 17th February, 2006. The representation stood rejected on 24.05.2006 (Annexure A-1).

2. Mr. Hamender Chandel, learned Counsel for the Petitioner has strenuously argued that though the services rendered by similarly situate persons in private schools have been taken into consideration, however, the Petitioner has not been

given the benefit of same. He has referred to Annexure A-7, dated 1st May, 1991, whereby services of one Shri Rama Nand were taken over as Peon.

3. Mr. R.P. Singh, learned Assistant Advocate General has strenuously argued that in the order dated 7th October, 1994, the only direction issued to the Petitioner was to appoint him. Consequently, the Petitioner was appointed on 31st October, 1994.

4. I have heard the learned Counsel for the parties and gone through the pleadings carefully.

5. The order dated 7th October, 1994, whereby the order dated 15th December, 1992 was quashed, the Petitioner was directed to be appointed as Trained Graduate Teacher anywhere in the State of Himachal Pradesh. Accordingly, the Petitioner was appointed as Trained Graduate Teacher on 31st October, 1994. The only issue involved in this petition, is whether the services of the Petitioner rendered in private school were to be counted or - 3 not. Petitioner has made a specific averment that similarly situate persons, whose services were taken over by the State Government, have been given the benefit of services rendered by them in private schools. Mr. Hamender Chandel also submits that the teachers who were serving in Gandhi Public School have been given the benefit of their service rendered in the private school. There is no specific denial to this averment contained in the petition. Petitioner cannot be discriminated against by the Respondents. His case was required to be considered at par with those candidates, who have been given the benefit of counting their past service followed by regular appointment.

6. Consequently, the petition is disposed of with a direction to the Respondents to consider the case of Petitioner also for counting his services rendered by him in Gandhi Public School at par with those candidates, whose services were taken over along with him, within a period of two months from the date of production of a certified copy of this judgment. No costs.