

(2011) 04 SHI CK 0316
In the High Court Of Himachal Pradesh
Case No : CWP No. 2053 of 2011

Jitender Kumar

APPELLANT

Vs

H.P.S.E.B.

RESPONDENT

Date of Decision : 13-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0316

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

Bench : Division Bench

Judgement

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

(a) That writ of mandamus be issued to consider the Petitioner as having been appointed against the post of peon pursuant to office order dated 1.8.2008 on regular basis for all intents and purpose and further directing the Respondent to pay the Petitioner all the emoluments he is entitled as a regular employee w.e.f. the date of his initial appointment i.e. 1.8.2008 with all consequential benefits including counting the period for the purpose of seniority etc.

2. The issue was considered in principle by this Court leading to Annexure P-5, judgment in CWP No. 2466 of 2010, along with connected cases, wherein the following direction has been issued:

There will be a direction to the Director, Animal Husbandry to see whether 3% quota of disabled persons has been met in the category of regular beldars. In case there is deficiency in the 3% quota in the cadre strength of regular beldars, the persons recruited in these cases shall be adjusted against those regular vacancies, since the recruitment process is the same for daily wages beldars and regular beldars. We make it clear that it is open to the Animal Husbandry department to ear-mark separate quota of 3% as against the daily waged beldars as well, subject to fulfillment of regular beldars in the ear-marked quota of 3%. Needful adjustments in the case of Petitioners in the light of this judgment shall be done by the Director, Animal Husbandry, within a period of

four months from the date of production of copy of this judgment by the Petitioners. Consequential benefits shall also be disbursed within another period of two months.

3. There will be a direction to the Respondent to look into the case of the Petitioner in light of the principle laid down in the judgment, as extracted above, and take appropriate action on the representation of the Petitioner, Annexure P-4, within three months from the date of production of a copy of this judgment along with a copy of the writ petition by the Petitioner before the Respondent.

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