

(2022) 12 SHI CK 0097

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 2124 Of 2021

Kamal Chand Bikhta

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

Date of Decision : 28-12-2022

Acts Referred:

Citation : (2022) 12 SHI CK 0097

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Surender Kumar Sharma, Sumesh Raj, Dinesh Thakur, Sanjeev Sood, Amit Kumar Dhumal

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

CMP No.18015 of 2022

1. For the reasons stated therein, the application is allowed and as prayed for, the matter is taken up for consideration today itself.

CWP No.2124 of 2021

2. With the consent of learned Counsel for the parties, the matter is heard and is being disposed of today itself.

3. By way of this writ petition, the petitioner has prayed for issuance of a direction to the respondents to regularize his services as Lecturer (Geography) upon completion of eight years of contractual service by condoning the break in contractual service w.e.f. 23.12.1996 to 7. 08.1998. The prayer so made is seriously opposed by the respondents.

4. Today, when the case was taken up for consideration, learned Counsel for the petitioner has submitted that the issue now is no more res integra and the relief being prayed for by the petitioner is squarely covered by the judgment passed by

Hon'ble Division Bench of this Court in LPA No. 146 of 2010, titled as State of Himachal Pradesh and others vs. Narain Singh and other connected matters, decided on 01.09.2015. He submitted that in this view of the matter, this petition be disposed of with the direction that the case of the petitioner be considered by the authority concerned in light of judgment being relied upon.

5. Learned Additional Advocate General, on the other hand, submitted that the case of the petitioner is totally different and distinct as from the one adjudicated upon by Hon'ble Division Bench in LPA No. 146 of 2010 and is not covered by the said judgment.

6. Having heard learned Counsel for the petitioner as well as learned Additional Advocate General and in view of the submissions made by learned Counsel for the petitioner, this petition is disposed of with the direction that the relief being sought for by the petitioner be considered by the authority concerned, in terms of the judgment being relied upon by the petitioner. For this purpose, a representation shall be filed by the petitioner to the authority concerned within a period of four weeks from today and as from the date of receipt of the representation, let an appropriate order be passed thereupon by the competent authority within a period of eight weeks thereafter. It is made clear that this Court has not made any observation with regard to the merit of the case of the petitioner and the representation, if any, filed by the petitioner shall be considered by the authority concerned in light of averments made therein as also the judgment being relied upon by the petitioner.

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