
(2011) 03 SHI CK 0161
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 2369 of 2008

Krishan Singh

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 07-03-2011

Acts Referred:

Citation : (2011) 03 SHI CK 0161

Hon'ble Judges : Kuldip Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Kuldip Singh, J.—The learned Counsel for the Petitioner has stated that Petitioner has confined his claim in the petition for quashing of Annexure A-2 dated 22.12.1993. He has submitted that in fact for quashing Annexure A-2 the case of the Petitioner is completely covered by judgment dated 15.3.2010 in CWP(T) No. 2368 of 2008 where the same Annexure A-2 has been quashed by a co-ordinate Bench.

2. The learned Addl. Advocate General has not denied that for quashing Annexure A-2 and granting connected relief the case of the Petitioner is covered by aforesaid judgment dated 15.3.2010. The judgment dated 15.3.2010 in CWP(T) No. 2368 of 2008 reads as follows:

The present lis is squarely covered by the judgment rendered in CWP(T) No. 2205/2008, titled Subhash Chand v. State of Himachal Pradesh and Ors., decided on 24.3.2009. The Court has struck down the letter dated 21.9.1993, whereby the earlier decision dated 6.6.1990 was withdrawn.

The Petitioner had earlier approached the learned Himachal Pradesh Administrative Tribunal by way of O.A. 706/1992. It was directed to be treated as representation to the Director of Primary Education by the learned Himachal Pradesh Administrative Tribunal on 3.6.1993. The same was rejected by the Director of Primary Education on 22.12.1993. The reason for rejecting the

representation of the Petitioner was on the basis of letter dated 21.9.1993. The Petitioner was entitled to the benefits on the basis of re-drawn seniority list pursuant to letter dated 6.6.1990. Petitioner had died during the pendency of this petition and his legal representatives were brought on record vide order dated 4.6.2009.

Accordingly, the present petition is allowed. The impugned Annexure A-2, dated 22.12.1993 is quashed and set aside. The Petitioner Karam Singh (deceased) is held entitled to selection grade on the basis of re-drawn seniority list issued pursuant to letter dated 6.6.1990. The amount after calculations shall be released to the present Petitioners within a period of 10 weeks from today. No costs.

3. Accordingly, Annexure A-2 dated 22.12.1993 is quashed and set aside. Petitioner Krishan Singh is held entitled to selection grade on the basis of re-drawn seniority list issued pursuant to letter dated 6.6.1990 Annexure A-3. The amount after calculations shall be released to the Petitioner within a period of 10 weeks from the date of supply of copy of the judgment by the Petitioner to the competent authority. The petition stands disposed of on above terms.