

(2011) 02 SHI CK 0002
In the High Court Of Himachal Pradesh
Case No : CWP T-2496 of 2008

Kundan Singh

APPELLANT

Vs

State of H.P. and Another

RESPONDENT

Date of Decision : 22-02-2011

Acts Referred:

Citation : (2011) 02 SHI CK 0002

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Deepak Gupta, J.—By means of this petition, the Petitioner who was an employee of the Respondents has prayed for the following amongst other reliefs:

(i) That the Respondents may very kindly be directed to confer the promotion upon the applicant on the post of Assistant Engineer from the year 1980 i.e. from the date the juniors to the applicant have been promoted, with all consequential benefits.

(ii) That the Respondents may further be directed to pay all the arrears of pay and allowances to the accrued due to his promotion from 1980, along with interest and they may further be directed to refix his pension etc.

2. At the outset, I may state that the Petitioner joined service as Overseer (Junior Engineer) on 29.11.1965 against a general vacancy post. He never raised the plea that he was a member of the scheduled caste category. The Petitioner after his retirement from service filed the present petition claiming that he belongs to a "Lohar" caste which has been notified as scheduled caste by the State of Himachal Pradesh and he was entitled to the benefits which were given to other scheduled caste candidates. He, therefore, claims that he should have been promoted as Assistant Engineer in the year 1980. There is no explanation worth the name as to why the petition was filed after a lapse of 28 years in the year 2008 and on this short ground alone the petition is liable to be rejected.

3. Even on merits, there is no merit in the case of the Petitioner, since the Petitioner does not belong to the State of Himachal Pradesh. Admittedly he is a permanent resident of Punjab and belongs to Lohar caste which has not been declared to be a scheduled caste in Punjab and the Petitioner cannot get any benefit of this notification issued by the State of H.P. As such, I find no merit in the petition which is accordingly rejected. No order as to costs.