

(2024) 05 SHI CK 0101

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 4911 Of 2024

Lalita Kumari And Others

APPELLANT

Vs

State Of H.P. And Another

RESPONDENT

Date of Decision : 30-05-2024

Acts Referred:

Citation : (2024) 05 SHI CK 0101

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Anuja Mehta, Y.P.S. Dhaulta

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. Notice. Mr. Y.P.S. Dhaulta, Additional Advocate General, appear and waive service of notice on behalf of the respondent.
2. With the consent of learned counsel for the parties, the matter is heard at this stage.
3. In terms of the pleadings, the petitioners were appointed as Staff Nurse on contract basis in the year 2005. The appointments of the petitioners were in accordance with the Recruitment & Promotion (R&P) Rules, though on contract basis. The appointments were made after following the due process of law in terms of the R&P Rules. Their services were regularized on 03.10.2012. In the background of the facts and rules, the writ petition has been filed for direction to the respondents to count there service rendered by the petitioners on contract basis followed by regularization for the purpose of seniority along with all consequential benefits.
4. Learned counsel for the petitioners submitted that the issue raised in the writ petition has already been adjudicated upon in CWP No.2004 of 2017 (Taj Mohammad and others Versus The State of Himachal Pradesh and others),

decided alongwith connected matter on 03.08.2023. Learned counsel further submits that the petitioners would be content in case the respondents are directed to consider and decide the case of the petitioners for grant of the relief prayed for by them in the writ petition in light of the aforesaid judgment within a fixed time schedule.

Learned Additional Advocate General submits that the respondents are not averse to consider the case of the petitioner in light of the aforesaid judgment, however, all rights and contentions of the parties be left open for decision.

5. Having regard to the afore-submissions, but without examining the merits of the matter, this writ petition is disposed of by directing the respondents to consider and decide the case of the petitioners for grant of the relief prayed for in the petition, in accordance with law and taking into consideration the above judgment in the case of Taj Mohammad, *supra*, within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioner.

It is clarified that all rights and contentions of the parties are left open.

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