

(2024) 05 SHI CK 0103

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 4919 Of 2024

Mamta Kumari

APPELLANT

Vs

State Of H.P. & Anr

RESPONDENT

Date of Decision : 30-05-2024

Acts Referred:

Citation : (2024) 05 SHI CK 0103

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Rakesh K. Sharma, R. S. Verma, Y. P. S. Dhaulta, L.N. Sharma

Judgement

Jyotsna Rewal Dua, J

1. Notice. Mr. L.N.Sharma, learned Additional Advocate General, appear and waives service of notice on behalf of the respondents.

2 With the consent of learned counsel for the parties, the matter is heard at this stage.

3. The relevant pleadings in the writ petition are that:- (i) The petitioner is a handicapped person having low vision. The extent of disability is 40%. (ii) As a disabled person, the petitioner was given contractual appointment against the post of Drawing Master in the respondent-Department on 19.04.2022 and (iii) The petitioner was appointed against the post that was reserved for handicapped persons under 3% disabled quota.

4. On the strength of the decisions dated 19. 12.2022 rendered in CWP No. 5090 of 2022 (Umesh Jaswal Vs. State of H.P. & others and connected matters) and dated 16.08.2019 rendered in CWP No. 4299 of 2019 (Pushpa Devi & others Vs. Himachal Pradesh University), prayer has been made for directing the respondents to consider the petitioner as having been appointed against the post of Drawing Master, pursuant to the office order dated 19.04.2022, on regular basis for all intents and purposes.

5. The substantive prayers made by the petitioner run as under:-

“(a) This Hon’ble Court may kindly be pleased to direct the respondents by way of issuance of Writ of Mandamus to consider the petitioner as having been appointed against the post of Drawing Master pursuant to office order dated 19.04.2022 on regular basis for all intents and purposes and further this Hon’ble Court may be pleased to issue a Writ of Certiorari quashing the word ‘contract’ from the appointment letter Annexure P-2 and granting her regularization from the date of her initial appointment i.e. 19.04.2022.

(b) This Hon’ble court may further be pleased to issue a Writ of Mandamus directing the respondent State to pay to the petitioner all the emoluments as she is entitled at par with regular employee in the establishment of respondent department w.e.f. 19.04.2022 with all consequential benefits including counting the period for the purpose of seniority etc.”

6. Learned counsel for the petitioner states that the respondent-Department has already implemented the decision in Umesh Jaswal’s case supra by passing an order on 08.09.2023.

7. In view of above, learned counsel for the petitioner states that the petitioner shall be satisfied in case her case for grant of reliefs prayed for in this writ petition vis-à-vis facts of the case is considered by respondent No.2/competent authority in light of the aforesaid decisions within a time bound schedule.

8. Having regard to above submissions and without examining the merits of the matters, this petition is disposed of by directing respondent No.2/competent to consider the case of the petitioner in light of the aforesaid decisions and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of copy of this order. The decision so taken, shall also be communicated to the petitioner.

Pending miscellaneous application(s), if any, also to stand disposed of.