
(2012) 09 SHI CK 0138
In the High Court Of Himachal Pradesh
Case No : CWP No. 4796 of 2011-E

Ms. Neetu

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 03-09-2012

Acts Referred:

Citation : (2012) 09 SHI CK 0138

Hon'ble Judges : Sanjay Karol, J

Bench : Single Bench

Advocate : Onkar Jairath, for the Appellant; Ramesh Thakur, Assistant Advocate General for Respondents No. 1 to 3, for the Respondent

Final Decision : Allowed

Judgement

Justice Sanjay Karol, J.—Respondents, in their reply themselves admit that petitioner was in fact appointed as Library Bearer (Class IV) w.e.f. 1.6.2005. But however, this according to the respondents was on casual basis. It is not in dispute that petitioner continued to discharge her duties uninterruptedly since the date of her engagement Now in terms of notification dated 25.8.1994 (Annexure P-5) services of the non-teaching staff appointed one year prior to the taking over of the management of the institution, subject to the approval of the State Public Service Commission or the Departmental Screening Committee, were to be taken over.

2. Name of the petitioner was not cleared by the screening committee only on the ground that petitioner was engaged on temporary basis. But then it is not in dispute that petitioner continued to discharge her duties since the date of her engagement and the Rules/Notification governing the taking over of the services of the staff so engaged by the erstwhile Management of the College does not create any distinction between a permanent and a temporary employee.

3. Services of all the employees regardless of the nature of their engagement were to be taken over. It is not that petitioner was found not to be otherwise

eligible or that she was not discharging her duties to the satisfaction of the Management or that there was no requirement/post of a Library Bearer in the College.

4. As such, present petition is allowed and respondents are directed to consider the petitioner's case for taking over her services as Library Bearer, a Class-IV employee. All consequential action be positively taken within a period of two months from the date of production of a certified copy of this order.

With the aforesaid observations, present petition stands disposed of, so also the pending application(s), if any.