

(2010) 10 SHI CK 0105
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 6434 of 2008

Mul Raj

APPELLANT

Vs

H.P. Krishi Vishva Vidyalaya and Others

RESPONDENT

Date of Decision : 28-10-2010

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2010) 10 SHI CK 0105

Hon'ble Judges : Kurian Joseph, C.J.; V.K. Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition is filed with the following prayers:

(i) That the Respondent No. 1 may be directed to grant to the applicant full benefits in terms of Rule 5 of the Demobilized Armed Forces Personnel Reservation of Vacancies in H.P. State in (Non-Technical Services) Rules, 1972 and to re-fix his seniority in the cadre of Clerks/Senior Clerks/Junior Assistants at the appropriate stage and to grant him retrospectively all the consequential benefits of promotion, pay fixation, release of arrears of pay resulting therefrom etc. forthwith as the Respondent No. 1 is having employees on its establishment from other departments from earlier dates to that of 1.11.1978 and as such, the applicant is entitled for fixation of seniority after taking into account his entire period of approved Armed Forces service and the same should not be limited to 1.11.1978, as has been done by the Respondent No. 1.

(ii) That till the above exercise is done or the case is finally disposed of, the Respondent No. 1 may be directed to withdraw the impugned order 16.6.1999 (Annexure A-1) and to promote the applicant as Senior Assistant from the date his juniors have been promoted to the said post and to grant all consequential benefits accruing therefrom.

(iii) That the impugned office orders dated 16.6.1999, Annexure A-1 and dated 23.6.1999, Annexure A-2, be ordered to be quashed and set aside being illegal,

unjust, improper, unconstitutional, violative of Articles 14 and 16 of the Constitution of India and the applicant be ordered to be promoted as Senior Assistant, retrospectively, and to grant him all the arrears, resulting therefrom.

2. It is seen that the University issued a subsequent Notification dated 3rd January, 2009, which is taken on record. In view of the Notification, as above, which has been considered by this Court in detail in the judgment rendered in CWP (T) No. 6439 of 2008 titled Kartar Singh v. H.P. Krishi Vishva Vidyalaya decided on 20th October, 2010, Annexure A-1 is set aside with a direction to the University to consider the matter afresh in light of the Notification and the judgment, referred to above. In case the Petitioner is found entitled for consequential benefits the same shall be disbursed without any further delay. The needful, as above, shall be done within another four months from the date of production of a copy of this judgment by the Petitioner.

3. The writ petition is disposed of, so also the pending applications, if any.