

(2020) 07 SHI CK 0142
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 2432 Of 2020

Naresh Kumar

APPELLANT

Vs

State Of H.P.& Ors

RESPONDENT

Date of Decision : 17-07-2020

Acts Referred:

Citation : (2020) 07 SHI CK 0142

Hon'ble Judges : Tarlok Singh Chauhan, J;Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Onkar Jairath, Safee, Advocates. Ashok Sharma, Ranjan Sharma, Vinod Thakur, Desh Raj Thakur

Final Decision : Disposed Of

Judgement

Tarlok Singh Chauhan, J

1. The instant petition has been filed for the grant of following substantive reliefs:-

"i) That the writ in the nature of Certiorari or any other appropriate writ order or directions may kindly be issued quashing the impugned order dated 20.06.2020 (Annexure P-5) and the action of the respondents, whereby they have decided to terminate the services of the petitioner.

ii) That the writ in the nature of Mandamus or any other appropriate writ order or directions may kindly be issued directing the respondents to relax the Recruitment and Promotion Rules in favour of the petitioner, to the extent of relaxing him from obtaining 45% marks in view of Clause 18 of the Rules 2009 coupled with law laid down by the Hon'ble Apex Court in catena of cases.

iii) That the writ in the nature of Mandamus or any other appropriate writ order or directions may kindly be issued directing the respondents to regularize the services of the petitioner on completion of requisite number of years service.

2. A bare perusal of the reliefs would indicate that this is a matter which lies

solely within the purview and ambit of the employer and the employer is already seized of this issue as is evident from the office order annexed with the petition as Annexure P-5.

3. Therefore, the instant petition is disposed of with the direction to the respondents to consider the case of the petitioner in light of the averments made in this petition and take a decision within a period of six weeks from today. It goes without saying that the respondents shall not be influenced by any observations which have been made in the office order (Annexure P-5) and take an independent decision.

4. The petition stands disposed of in the aforesaid terms, so also pending applications, if any.