

(2011) 02 SHI CK 0076
In the High Court Of Himachal Pradesh
Case No : CWP No. 19 of 2009

Neelam Kumari

APPELLANT

Vs

The State of H.P. and Another

RESPONDENT

Date of Decision : 23-02-2011

Acts Referred:

Citation : (2011) 02 SHI CK 0076

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, J.—Reply on behalf of the Respondents filed, which is taken on record.

2. The erstwhile DAV College, Sujampur Tihra, District Hamirpur, Himachal Pradesh, was taken over by the government vide Notification dated 28th August, 2001, Annexure P-2. Alongwith the College, teaching as well as non-teaching staff was also taken over, subject to certain terms and conditions, such as services of those non-teaching staff members who were working for a period of over one year at the time of taking over of the college were to be taken over on regular basis and those who had not completed service of one year were to be absorbed on daily wages. As regards services of the teaching staff, the condition was that those who had completed one year's service at that time were to be absorbed on regular basis and those whose services were less than one year were to be absorbed on contract.

3. Though the Petitioner was also working in the aforesaid college at the time of take over and admittedly was having less than one year's service at that time, yet her services were not taken over even on daily wages. Being aggrieved, she agitated the matter before the erstwhile H.P. State Administrative Tribunal successfully and consequently her services were also taken over on daily wages vide Office Order dated 08.09.2003, Annexure P-3.

4. It is the case of the Petitioner that later on in pursuance of a Cabinet decision

dated 27th December, 2002, it was decided by the State Government to grant the status of regular employees to both teaching and non-teaching staff of the said college w.e.f. 27.12.2002, i.e., the date of Cabinet decision irrespective of the fact that whether at the time of taking over of the college they had rendered services of more than one year or less than that. In pursuance to such decision, services of one Smt. (Dr.) Meena Sharma, a member of the teaching staff, were regularized w.e.f. 27.12.2002, vide Notification dated 16th April, 2008, Annexure P-5.

5. Against the above backdrop, the Petitioner is also seeking similar treatment under the aforesaid Cabinet decision dated 27.12.2002.

6. The Respondents, while admitting that the Petitioner has not been paid for the period 07.03.2001 to 08.09.2003, have taken the stand that her services would be regularized as per rules made by the government in this regard.

7. In view of the above, if on facts, the Petitioner is also covered under the aforesaid Cabinet decision dated 27.12.2002 and is a similarly situate person, she shall also be treated similarly without any discrimination and a final decision with regard to regularization of her services as Library Attendant in pursuance of the said Cabinet decision dated 27.12.2002 shall be taken within three months from the date of production of copy of this judgment by the Petitioner and the consequential benefits, if any, shall also be paid to her within the same time, failing which interest @ 9% per annum shall also be payable.

8. Needless to say that wages/salary for the period 07.03.2001 to 08.09.2003 shall also be paid to the Petitioner within the same time, as above.

9. In view of the above, the petition stands disposed of, so also pending CMP(s), if any.