

(2011) 04 SHI CK 0340
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 11918 of 2008

Nigam Singh

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 18-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0340

Hon'ble Judges : Kuldeep Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Kuldeep Singh, J.—The learned Counsel for the Petitioner has stated that the present case is covered by a judgment dated 30th December, 2010, passed by a Coordinate Bench in CWP(T) No. 11941 of 2008, Bhag Mal v. State of H.P. and Ors. It has been stated that in the present petition, impugned Memo dated 29.1.2005 Annexure A-5 is the same, which was assailed by way of Annexure A-5 in CWP(T) No. 11941 of 2008. This has not been denied by the learned Assistant Advocate General appearing on behalf of Respondents No. 1 to 3. In CWP(T) No. 11941 of 2008, it has been held as follows:

Petitioner approached the learned erstwhile Himachal Pradesh Administrative Tribunal for the redressal of his grievance by way of O.A. No. 3579/2003. The same was directed to be treated as representation to the Principal Secretary (Education) on 16.12.2003. Thereafter the Principal Secretary decided the matter as is evident from Annexure A-4 dated 28.4.2004. The Director of Education was directed to do the needful as per the observations made by the Principal Secretary (Education) while considering and deciding the representation made by the Petitioner. However, surprisingly, the Director of Education instead of implementing the order himself directed the Deputy Director of Education to decide the matter, as per Annexure A-4. The Deputy Director of Education dismissed the claim of the Petitioner on 29.1.2005 vide Annexure A-5. The Court is of the considered opinion that the matter was required to be looked into and

final decision was to be taken by the Director of Education and he had no authority to send the matter to the Deputy Director of Education.

Consequently, the petition is allowed. Annexure A-5 dated 29.1.2005 is quashed and set aside. Respondent No. 2 is directed to do the needful, as per the observations made by the Principal Secretary (Education), within a period of two months, from the date of production of certified copy of this judgment by the Petitioner. No costs.

2. In view of the stand taken by the learned Counsel appearing on either side, the present case is covered by judgment dated 30th December, 2010 passed in CWP(T) No. 11941 of 2008. Accordingly Annexure A-5, dated 29.1.2005 is quashed and set aside. The Respondent No. 2 is directed to do the needful as per the observations made by the Principal Secretary (Education) in the order dated 22nd March, 2004 Annexure A-3, within a period of two months from the date of supply of certified copy of the judgment by the Petitioner. The petition stands disposed of.