

(2020) 08 SHI CK 0258
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 1301 Of 2019

Nitish Kumar Chaudhary

APPELLANT

Vs

H.P. State Co-Operative Milk Producers Federation Limited

RESPONDENT

Date of Decision : 21-08-2020

Acts Referred:

Citation : (2020) 08 SHI CK 0258

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Rakesh Kumar Dogra, Vijay Chaudhary, Imran Khan

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. By way of this petition, the petitioner has prayed for the following substantive reliefs:-

â??(i) To quash and set-aside the impugned order dated 19.03.2019 contained in Annexure A-1 passed by the Managing Director of the respondent-

Federation being arbitrary, illegal, unilateral, discriminatory, constitutionally void and against the principle of natural justice.

(ii) To direct the respondent-Federation to regularize the services of the applicant w.e.f. 25.07.2017 as Technical Superintendent on which minimum

date he completed 5 years continuous service (with a minimum 240 working days in each calendar year) with all consequential service benefits,

strictly in accordance with the policy framed by the Government of Himachal Pradesh contained in Annexure A-4 dated 19.03.2017 and keeping view

the old R&P Rules, 1994.

(iii) That the arrear flowing out of regularization of the applicant w.e.f.

25.07.2017 may also be paid to him alongwith interest @ 9% per annum for which respondent may kindly be directed, accordingly.

(iv) To grant to the applicant such other consequential reliefs which the Honâ??ble Tribunal may deem fit, just and proper in facts and circumstances of the matter.â??

2. When this case was taken up for consideration today, Mr. Vijay Chaudhary, learned Counsel for the petitioner submits that the petitioner shall be satisfied in case this petition is disposed of with the direction that the case of the petitioner be reconsidered by the Board of Directors of the respondent-department, in its meeting which is stated to be scheduled on 25.08.2020 and order passed thereon be conveyed to the petitioner within some reasonable time.

3. Mr. Imran Khan, learned Counsel for the respondent submits that in case petitioner does approaches the respondent/competent authority by way of a representation, then the case of the petitioner shall be reconsidered and a decision on the same, in accordance with law, shall be taken thereon within a period of four weeks.

4. In this view of the matter, without making any observation on the merit of the case, this petition is closed with the direction to the respondent-department that in the event of the petitioner approaching the competent authority by way of a representation positively by 24.08.2020, the Board of Directors of the respondent-department, in its next meeting which is stated to be scheduled on 25.08.2020, shall reconsider the case of the petitioner with regard to regularization of his services against the post of Technical Superintendent. Appropriate orders in this regard, post consideration of the matter, be passed within four weeks thereafter. It goes without saying that in case the petitioner is still aggrieved by the outcome of the decision on his representation, so taken by the Board of Directors/competent authority, then the petitioner shall be at liberty to assail said order in accordance with law. Pending miscellaneous application(s), if any, also stand disposed of.

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