
(2010) 12 SHI CK 0483
In the High Court Of Himachal Pradesh
Case No : CWP No. 2977 of 2008

Om Parkash

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 17-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0483

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Surjit Singh, J.—Petitioners, in all these cases, were working as Timber Watchers in Himachal Pradesh Forest Corporation, prior to their appointment on secondment basis as mining guards in Industries Department of Himachal Pradesh, vide office orders dated 1.12.2006. One such appointment letter is Annexure P-6 in Writ Petition No. 2990 of 2008. Their appointment was initially for a period of one year and it appears that the period was later on extended. On 7.11.2008, Forest Corporation or say the parent employer of the Petitioners addressed a letter, Annexure P-7, to the Industries Department to repatriate the Petitioners. On the basis of that communication Annexure P-7, services of Petitioners have been repatriated to Forest Corporation, i.e. their parent employer. Their grievance is that at the time when they were appointed, they were given to understand that they will be absorbed permanently in Industries Department and that had this understanding not been there, they would not have opted for appointment with the Industries Department.

2. Respondents in their reply have stated that appointments were made on secondment basis and the appointment letters very clearly state so. It has further been stated that lending employer has the right to seek repatriation of its employees appointed on secondment basis by the borrowing employer.

3. I have heard learned Counsel for the parties and gone through the record.

4. There is no document on record showing that the Petitioners were given to understand or it was held out to them that their appointment will be on permanent basis, as alleged in the petition. Learned Counsel representing the Petitioners submits that the Petitioners had been interviewed and this fact by itself suggests that their appointment, with the Industries Department, was like fresh direct recruitment. He has drawn the attention of the Court to alleged interview letters which are similarly worded. One such letter is available as Annexure P-4 in the record of CWP No. 2990 of 2008. Reading of the letter shows that Petitioners were not called for any interview but for producing their testimonials only. Appointment letters negate the Petitioners' plea that it was held out to them that they will be appointed afresh on permanent basis or that they were to be absorbed permanently in the Industries Department.

5. In view of above stated position, all the petitions are dismissed.