
(2021) 03 SHI CK 0041

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 5611 Of 2020

Pawan Kumar

APPELLANT

Vs

HRTC & Others

RESPONDENT

Date of Decision : 05-03-2021

Acts Referred:

Citation : (2021) 03 SHI CK 0041

Hon'ble Judges : Sureshwar Thakur, J;Sandeep Sharma, J

Bench : Division Bench

Advocate : Devender Sharma, C.N. Singh, Vikas Rajpur

Final Decision : Disposed Of

Judgement

Sureshwar Thakur, J

1. Heard. The writ petitioner, claims making, of, an order, of, compassionate appointment on a regular basis, upon him, hence upon, occurrence of

demise, in harness of, his predecessor-in-interest. The predecessor-in-interest of the petitioner died in harness on 5.9.2007. The afore was working, as,

a Carpenter, on a regular basis, with the respondents.

2. Though, the respondents, proceeded to accept the strivings of the writ petitioner. However, as unfolded by the letter of appointment, issued, upon

him, they proceeded to appoint him on a piecemeal basis, and, also on an out source basis.

3. The afore unfolding(s), occurring in the appointment letter, issued to the petitioner by the respondents, does violate, the principles of law

expostulated, in a verdict rendered by the Hon'ble Apex Court in Civil Appeal Nos. 1557 to 1564 of 2019, titled as Himachal Road Transport

Corporation vs. Lekh Ram etc., copy thereof, becomes appended with the extant

writ petition, as, Annexure P-7, (i) wherein a deprecatory mandate becomes pronounced against the employer, in the latter hence appointing on a compassionate basis, rather the claimants concerned, other than on a substantive/regular basis, and, on a substantive post. Consequently, since in breach thereof, the respondents resorted to rather, than appoint, the petitioner, on a substantive basis or as a regular hand, especially, when his predecessor-in-interest, was occupying a substantive post on a regular basis, hence appoint him in a discountenanced un-like thereof manner. Accordingly, the extant writ petition is disposed of, and, the respondents are directed, to complete, all the requisite formalities within six weeks from today, and, thereafter hence issue an appointment letter to the petitioner, hence, appointing him, on a substantive basis, and, as a regular incumbent against the substantive post concerned. All pending applications also stand disposed of.

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