

(2012) 03 SHI CK 0132
In the High Court Of Himachal Pradesh
Case No : CWP No. 1885 of 2011

Rajinder Kumar

APPELLANT

Vs

Himachal Road Transport Corporation

RESPONDENT

Date of Decision : 13-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0132

Hon'ble Judges : Kurian Joseph, J; Dharam Chand Chaudhary, J

Bench : Division Bench

Advocate : Vivek Attri, vice Mr. M.A. Khan, for the Appellant; Vikrant Thakur, for the Respondent

Judgement

Justice Kurian Joseph, C.J.—The writ petitioners in these cases are Booking Agents under the respondent Corporation. They have been engaged since quite a few years and they have been continuing as such. It is seen that at some stage, in view of the shortage of Conductors, the petitioners have been made to work as Conductor. To that extent, the position is admitted in the reply of the Corporation itself. The stand of the Corporation is that the petitioners have been working on contract basis, as Commission Agents and only on account of service exigency, they have been occasionally engaged as Conductors. Learned counsel for the petitioners submit that some of the Booking Agents have been regularized as TMP, Clerks, Conductors etc. Be that as it may. According to the petitioners, in view of their vast experience, in some cases for decades, it will only be appropriate that they are considered for appointment as Booking Clerks. Learned Counsel for the Corporation submits that no steps are now being taken for appointment as Booking Clerks. Having heard learned counsel for the petitioners and learned counsel appearing for the Corporation, we are of the view that ends of justice will be met in case the direction is issued to the Corporation that as and when the steps are taken for filling up the posts of Booking Clerks, the petitioners will be preferentially considered according to their seniority order. Ordered accordingly. It is made clear that till such time the present arrangement

will continue and as and when any of the petitioner is deputed for any regular service, remuneration in respect of that service will be paid.

2. With the above observations, the writ petitions stand disposed of, so also the pending application(s), if any.