
(2010) 12 SHI CK 0065
In the High Court Of Himachal Pradesh
Case No : CWP No. 1672 of 2008

Ranjana Devi

APPELLANT

Vs

State of H.P. and Another

RESPONDENT

Date of Decision : 14-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0065

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Judgement

Surjit Singh, J.—Heard and gone through the record.

2. Petitioner was engaged as a part-time Safai Karamchari by Respondent No. 2, i.e. Chairman-cum-Managing Director, Ex-servicemen Corporation, Hamirpur, in the year 2002. After some time, a post of Peon fell vacant in the Ex-servicemen Corporation. Post was required to be filled from amongst Ex-servicemen. Looking to the socio-economic condition of the Petitioner, Respondent No. 2 wanted to appoint the Petitioner as Peon against the vacancy, for which he sought permission from the Government. Permission was refused, as the posts of Peon were required to be filled from amongst Ex-servicemen. However, Respondent No. 2-Corporation passed resolution for appointing the Petitioner as Peon, on contract basis. This resolution was passed on 23rd June, 2005. Copy is Annexure P-4. Petitioner was appointed as Peon, on contract basis, vide Office Order Annexure P-5. Contract was also signed, which is Annexure P-7.

3. Another reference was made to the Government to approve the appointment of the Petitioner as Peon, on contract basis. Government did not accord the approval, because the post was required to be filled by appointing an Ex-serviceman. Upon that the Petitioner was given an offer by Respondent No. 2 to work as part-time Safai Karamchari. She filed a writ petition, which was registered as CWP No. 1312 of 2008. During the pendency of that writ petition, a formal order, terminating the services of the Petitioner was passed, which is Annexure P-11. Petitioner then withdrew that writ petition, with liberty to file a

writ petition, on the same grounds. Order was passed accordingly, on 3rd September, 2008, by this Court.

4. Thereafter, the Petitioner filed the present writ petition. When this writ petition was filed, not only that Petitioner's services, as Peon, stood terminated, but she had also not been allowed to join as part-time Safai Karamchari, because she did not join as such within the time given to her and also within the time extended vide Annexure R-2/H, by ten days. So, an interim order was passed on 12th September, 2008, directing Respondent No. 2 to allow the Petitioner to join as part-time Safai Karamchari. She has now been working as part-time Safai Karamchari, pursuant to the aforesaid interim order.

5. Learned Counsel representing Respondent No. 2 says that the services of the Petitioner, as part-time Safai Karamchari, shall not be terminated and she will be allowed to continue to work as such.

6. Petitioner does not have the right to be appointed as Peon, on contract basis, because the post is meant for ex-serviceman.

7. In view of the above stated position, petition is dismissed. Petitioner shall, however, be allowed to continue to work as part-time Safai Karamchari and in case at any point of time services of full-time Safai Karamchari are required she will be considered for appointment as full-time Safai Karamchari. She may also be considered against some other post, including that of Peon, in case there is any change in the Rules or Policy of Respondent No. 2 that persons other than Ex-servicemen can be considered for appointment as Peon.

Writ petition stands disposed of.