
(2011) 04 SHI CK 0204
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 7672 of 2008

Ranvir Singh Pamta

APPELLANT

Vs

H.P. Agro Industrial Packaging India Limited and Others

RESPONDENT

Date of Decision : 29-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0204

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, J.—The petition has been filed on the following prayers vide para 7(a) and (b):

(a) Quash the impugned order of regularizing the Respondent Nos. 3 to 4 against the Class-III post without considering the claim of the Applicant being senior to them after calling the copy of the same from the Respondent department being issued arbitrarily, malafidely and illegally by the Respondents;

(b) Direct the Respondent department to promote the Applicant against Class-III post from the date his juniors have been regularized against the class-III posts.

2. In reply Respondents No. 1 and 2 have taken the following stand vide paras 3, 6.2, 6.3, 6.4 and 6.5 & 6.6:

3. That the contents of paa-3 are wrong and denied. It is denied that the Applicant was to be considered for Class-III posts being Sr. to Respondent Nos. 3 to 6 as alleged. It is also denied that the impugned order is arbitrary, illegal, malafide, violative of the Constitutional rights and natural justice and issued in colourable exercise of power as alleged. It is submitted here that the Applicant has no cause of action as he was regularized against the post of Security Guard on 22.12.98 prior to the regularization of Respondent No. 3 to 6 who were regularized in the year 15.11.2000.

6.2 That in reply to para-6.2 it is admitted to the extent that the Applicant was

engaged on daily wages basis as Office Helper in December, 1987. It is denied that the Applicant was made to work on various posts as alleged. In fact, the Applicant was working as Office Helper. It is submitted here that the Applicant was regularized as Security Guard w.e.f. 22.12.98 not 21.12.98.

6.3 That in reply to para 6.3 it is submitted that the Respondent No. 4, 5 and 6 were appointed as Plant helper on 9.11.90 and the Respondent No. 3 was appointed on 18.6.90 as Office Helper in the plant of the replying Respondent 6.4 That the contents of para 6.4 is wrong and denied, it is denied that while regularizing the services of Respondent No. 3 to 6, the Respondent department has ignored the claim of the Applicant for appointment to Class-III posts as alleged. The question of the same does not arise, as the Applicant was regularized prior to the regularization of the Respondent No. 3 to 6, who were only regularized in the year 2000 after two years of the Applicant 6.5 & 6.6. That in reply to para-6.5 & 6.6 it is submitted here that the regularization of Respondent No. 3 to 6 were made against the Class-III posts. As they were performing the duties of Class-III indifferent sections of the corporation, whereas, the Applicant was performing the duties of Class-IV and as such he was regularized against Class-IV. Moreover, the regularization of the Applicant was made in the year, 1998 prior to the Respondent No. 3 to 6 who were regularized in the year, 2000. It is further submitted here that the regularization of the Respondent No. 3 to 6 against Class-III posts were made as per the Govt. Notification after considering the cases of the Respondent No. 3 to 6 for which a committee was constituted to examine/consider the cases of the Respondent No. 3 to 6 for their regularization in class - III. In view of the recommendations of the committee, the cases of the Respondent No. 3 to 6 were placed before the service committee/Board of Directors for approval and accordingly their services were regularized as per the approval accorded by the Board of Directors.

3. In view of the above reply, in case the Petitioner still has any surviving grievance, he may make a representation along with copy of this judgment to the Respondents/competent authority within one month from today, who shall consider and decide the same within next three months in accordance with law, after affording an opportunity of being heard to the Petitioner, if so desired.

4. The petition as also pending CMP(s), if any, stand disposed of in the above terms.