
(2021) 04 SHI CK 0086

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 1628 Of 2021

Sachin Aggarwal

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 08-04-2021

Acts Referred:

Constitution Of India, 1950 — Article 160E, 243K

Citation : (2021) 04 SHI CK 0086

Hon'ble Judges : Tarlok Singh Chauhan, J;Chander Bhusan Barowalia, J

Bench : Division Bench

Advocate : P.P. Chauhan, Ashok Sharma, Vikas Rathore, Vinod Thakur, Shiv Pal Manhans, J.S. Guleria, Bhupinder Thakur, Peeyush Verma, Ajeet Singh Saklani

Final Decision : Dismissed

Judgement

Tarlok Singh Chauhan, J

1. The petitioner while working as a Lecturer, in Govt. Girls Senior Secondary School, Paonta Sahib, was deputed on election duty and unfortunately came to be suspended and his headquarter was fixed in the Office of the Deputy Director, Higher Education, Nahan, District Sirmaur. Since, a vacancy had been created on account of change of headquarter of the petitioner, the respondent No.5 was transferred and posted against the vacancy at Government Senior Secondary School, Paonta Sahib.
2. It appears that subsequently suspension of the petitioner was revoked and on account of that fact, he claims a right to be posted at the same station i.e. Government Senior Secondary School, Paonta Sahib.
3. However, we find it difficult to accept the contention of the petitioner because admittedly the order of suspension was passed by the Election Commission for which it was duly empowered under Section 160-E readwith Article 243 K of the Constitution of India.

4. Now, in case the Employer felt that the vacancy so created was required to be filled up, then it was well within its right to fill up the vacancy so created on account of suspension and change of headquarter of the petitioner. The mere fact, that now the suspension has been revoked, does not create any right much less any indefeasible right in favour of the petitioner to claim his posting at Government Senior Secondary School, Paonta Sahib itself.

5. Therefore, in the given circumstances, this petition is clearly misconceived and is accordingly dismissed, as such, so also the pending application(s), if any.