

(2011) 08 SHI CK 0136
In the High Court Of Himachal Pradesh
Case No : CWP (T) 11589 of 2008

Sat Pal

APPELLANT

Vs

CSK HP Krishi Vishvavidyalya

RESPONDENT

Date of Decision : 02-08-2011

Acts Referred:

Citation : (2011) 08 SHI CK 0136

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

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

2. In the year 1986, some vacancies of Junior Scale Stenographers were advertised by the Respondent and a few of the vacancies were reserved for scheduled caste candidates. Petitioner, whose father was serving the Respondent-University, prior to the re-organization of the erstwhile State of Punjab, applied for the aforesaid post of Junior Scale Stenographer, against one of the reserved vacancies. He submitted, alongwith his application, a certificate of his belonging to scheduled caste, issued by Sub Divisional Officer (Civil), Balachaur, District Hoshiarpur in Punjab, the place where his father belonged to.

3. On the basis of aforesaid certificate, Petitioner was selected and appointed against one of the posts, reserved for scheduled caste candidates. He was being treated as a scheduled caste employee of the Respondent-University, till August, 2003, when memorandum Annexure A-9, was issue to him, calling upon him to show cause why his promotions from the post of Junior Scale Stenographer to Senior Scale Stenographer and then to the post of Personal Assistant, on account of his being considered as a scheduled caste employee, be not revoked, on account of his being not a scheduled caste candidate from the State of Himachal Pradesh. He submitted his reply. Thereafter, order, copy Annexure A-11, was passed, by which he was reverted to the post of Junior Scale Stenographer. A few

days later, another order dated 25.8.2003, copy Annexure A-12, was issued. The order said that on the recommendation of the Departmental Promotion Committee, the previous order, copy Annexure A-11, reverting the Petitioner to the post of Junior Scale Stenographer, was recalled, but for future promotions from the post of Personal Assistant onwards, he was not to be taken to be a scheduled caste candidate.

4. It appears that the Petitioner was satisfied with the order, copy Annexure A-12. However, in April, 2004, another order, copy annexure A-13, was passed, by which order, petitioner was again reverted to the post of Junior Scale Stenographer, on the representation of some Senior Scale Stenographers of the Respondent-University. It is this order, Annexure A-13, by which the petitioner is aggrieved. He filed an Original Application before the erstwhile H.P. State Administrative Tribunal, seeking quashing of the aforesaid order and the issuance of a direction to the Respondent to treat him as Personal Assistant. The said Tribunal having been abolished, the matter has come to this Court.

5. Respondent-University has filed reply, in which it is alleged that the Petitioner was not entitled to the benefit of reservation, because of his being not a scheduled caste candidate, residing within the State of Himachal Pradesh.

6. Learned Counsel for the Petitioner submits that the order, Annexure A-13, has been passed without complying with one of the main principles of natural justice, namely, affording of opportunity of being heard or to show cause against the proposed order, affecting him adversely. Admittedly, the order has been passed without issuing any show cause notice to the Petitioner or affording any opportunity to him, to justify his promotions to the posts of Senior Scale Stenographers and Personal Assistant.

7. Consequently, present petition is allowed and impugned order, Annexure A-13, is set aside. Respondent University may, if so desired, pass appropriate orders, after affording an opportunity of being heard to the Petitioner.

Disposed of.