
(2011) 11 SHI CK 0325
In the High Court Of Himachal Pradesh
Case No : CWP No. 10353 of 2011-F

Sh. Ranjit Singh

APPELLANT

Vs

State of Himachal Pradesh and others

RESPONDENT

Date of Decision : 30-11-2011

Acts Referred:

Citation : (2011) 11 SHI CK 0325

Hon'ble Judges : Rajiv Sharma, J;Kurian Joseph, J

Bench : Division Bench

Judgement

Justice Kurian Joseph, C.J.—The petitioner seeks continuation upto the age of 60 years in service. But the fact remains that the petitioner was appointed in Government service on regular basis only in the year, 2007. According to the petitioner he had served in the Corporation from 1.1.1990 and he should have been regularly appointed in Corporation prior to his transfer and appointment in Government service. In case the petitioner has been in regular appointment/entitled for the same in the Corporation prior to 10.5.2001, naturally he could have continued up to the age of 60 years. But, as the things stand now, his regular appointment in Government service is only in the year, 2007. Though the petitioner sought to place reliance on the decision of this Court in Bar Chand Vs. State of H.P., LPA No. 196 of 2010, this Court has made it clear in several judgments that the said judgment did not reflect the correct position of law and the said judgment is rendered per incuriam, without noticing the amendment under FR 56. Hence, the writ petition is dismissed. However, it is made clear that it will be open to the petitioner to approach the Corporation seeking regular appointment prior to 10.5.2001, in case he is otherwise entitled to. In case the petitioner is given such retrospective appointment on regular basis under Forest Corporation prior to 10.5.2001, he shall be entitled to continue upto the age of 60 years.

2. The pending application(s), if any, stand also disposed of.