
(2011) 03 SHI CK 0123
In the High Court Of Himachal Pradesh
Case No : CWP No. 8302 of 2010

Sh. Sandeep Kumar

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 03-03-2011

Acts Referred:

Citation : (2011) 03 SHI CK 0123

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

Bench : Single Bench

Judgement

V.K. Sharma, J.—The learned Counsel for Respondent No. 4 submits at the very outset that the case of the said Respondent is covered under a Division Bench judgment of this Court dated 24.2.2011 in CWP No. 517 of 2011, Promila Sharma v. State of H.P. and Ors., text whereof is as under:

1. The Petitioner is aggrieved since she is disturbed by her transfer to Government Senior Secondary School, Saleti from Government Senior Secondary School, Jaleri so as to accommodate the private Respondent, who is a P.T.A. appointee.

2. The Petitioner was appointed in service in the year 1984 and at the present place, she has been working since June, 2009. It appears that the impugned order was passed so as to accommodate the private Respondent, who is a P.T.A. appointee. The law is well settled that P.T.A. appointee has no right to claim benefit for continuance of appointment for ever since P.T.A. is only a stop gap arrangement. However, taking note of the fact that there were several open vacancies where the fresh recruits could be accommodated so that P.T.A. appointees could continue for some more time, this Court has been directing the Director to look into the matter. In this case, the Petitioner is not a fresh appointee.

3. Faced with the above situation, the learned Counsel for the private Respondent submits that several vacancies are likely to arise by March. In case

the Petitioner is willing to work in any open vacancy which is presently available or arising in March, the private Respondent may secure a certificate in that regard from the Petitioner and produce the same before the Director in which case, in view of the willingness of the Petitioner to be accommodated in another school in the arising vacancy the private Respondent, who has worked as P.T.A. appointee shall be continued until she is otherwise duly replaced.

4. In that view of the matter, the interim order dated 2nd February, 2011 is vacated. Annexure P-4 is set aside. The Petitioner shall be permitted to join forthwith.

2. In view of the above, if on facts the case of Respondent No. 4 is covered under the aforesaid judgment in CWP No. 517 of 2011 and he is a similarly situate person, he shall also be treated similarly without any discrimination and the benefit of the said judgment shall be extended to him within two months from the date of production of a copy of this judgment by Respondent No. 4 after affording an opportunity of being heard to him and the Petitioner, if so desired.

3. The petition stands disposed of in the above terms, so also pending application(s), if any.