
(2012) 03 SHI CK 0419
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 12139 of 2008

Smt. Karuna Shandil

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 13-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0419

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Advocate : Romesh Verma, vice and Mr. B.C. Verma, for the Appellant; Rajinder Dogra, Additional Advocate General with Mr. Vikas Rathore, D.A.G. for respondents No. 1 to 3 and None, for the Respondent

Judgement

Justice Rajiv Sharma, Judge

1. Petitioner submitted an application for considering her candidature for the post of part-time water carrier in Government Primary School, Ganoti, Gram Panchayat, Malyana, Tehsil and District Shimla, Himachal Pradesh. She was interviewed by the duly constituted Selection Committee. The name of the petitioner was duly recommended by the Selection Committee on 14th August, 2002. However, respondent No.4 did not issue appointment letter to the petitioner. Consequently, the petitioner filed Original Application bearing No.3032 of 2002 before the erstwhile learned Himachal Pradesh Administrative Tribunal for the redressal of her grievance and the same was allowed by the learned Tribunal on 26th August, 2003. Respondent No.4 was directed to appoint the petitioner as part-time water carrier in Government Primary School, Ganoti, Gram Panchayat, Malyana. However, the fact of the matter is that despite judgment dated 26th August 2003 passed by the learned Tribunal, the petitioner was not offered appointment by respondent No.4. The petitioner was constrained to file contempt petition before the learned Tribunal. The same was disposed of on 17th August, 2004. Respondent No.4 had undertaken before the learned Tribunal to issue appointment letter to the petitioner. In view of this, the learned

Tribunal had directed the respondent no.4 to issue appointment letter to the petitioner within a week. Consequently, the petitioner was appointed as part-time water carrier in Government Primary School, Ganoti on 19th August, 2004. The grievance of the petitioner, in a nutshell, is that she was required to be offered appointment letter on 23rd August, 2002 and not 19th August, 2004. I have heard learned counsel for the parties and gone through the pleadings carefully.

2. The petitioner had been selected to the post of part-time water carrier in Government Primary School, Ganoti, Gram Panchayat, Malyana on 14th August, 2002. Once the petitioner had been selected by the duly constituted Selection Committee, she ought to have been offered appointment to the post of part-time water carrier. Respondent No.4 has intentionally delayed the appointment of the petitioner. It was only after the petitioner had filed Original Application No.3032 of 2002 before the learned Administrative Tribunal, which was allowed by the learned Tribunal on 26th August, 2003 and thereafter on the basis of order dated 17th August, 2004 passed by the learned Tribunal, respondent No.4 has issued appointment letter to the petitioner on 19th August, 2004. The petitioner ought to have been given appointment with effect from the date of her selection, i.e. 14th August, 2002 instead of 19th August, 2004. The petitioner had a right to be appointed pursuant to her selection, but the same has been denied to her in an illegal and arbitrary manner, resulting in monetary loss to the petitioner for a period of two years. She has also been deprived of seniority with effect from 14th August, 2002 to 19th August, 2004. Respondent No.4 was discharging very important duties being Pradhan of Gram Panchayat, Malyana, Tehsil and District Shimla. She remained remiss in discharging her duties as Pradhan by not offering appointment to the petitioner without any cogent and convincing reason. Accordingly, in view of the observations and discussions made hereinabove, the petition is allowed. Petitioner will be deemed to have been appointed as part-time water carrier in Government Primary School, Ganoti, Gram Panchayat, Malyana, Tehsil and District Shimla, H.P. for all intents and purposes with effect from 14th August, 2002 instead of 19th August, 2004. The pending application(s), if any, also stands disposed of. No costs.