
(2020) 07 SHI CK 0225
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 807 Of 2019

Som Dutt

APPELLANT

Vs

State Of H.P. & Ors

RESPONDENT

Date of Decision : 13-07-2020

Acts Referred:

Citation : (2020) 07 SHI CK 0225

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : Prem P. Chauhan, Raju Ram Rahi

Final Decision : Allowed

Judgement

Vivek Singh Thakur, J

1. Petitioner herein, being an ex-serviceman, in response to the requisition of Respondent-Department, was selected and sponsored by Ex-servicemen Employment Cell Hamirpur on 07.06.2003, as a suitable candidate, to the post of Lecturer, Political Science with stipulation to issue appointment letter within 10 days of receipt of sponsorship with 15 days of joining time. However, on the basis of sponsorship, appointment letter was issued on 27.10.2005.

2. By way of present petition, petitioner has prayed for deeming his appointment within fifteen days after the date of his sponsorship by Ex-servicemen Cell, Hamirpur for all intents and purposes entitling him all service benefits accordingly.

3. It is submitted by learned counsel for the petitioner that present case is squarely covered by judgment of this High Court passed in CWP No. 2059 of 2010, titled Hridye Prakash vs. State of H.P. & another, reported in 2011 (3) Shimla Law Cases 144, wherein, similar situated petitioners therein were deemed to be appointed to the post, to which their names were sponsored, with effect from fifteen days from the receipt of their sponsorship/nomination from the Ex-servicemen Employment Cell, with all consequential benefits. Learned counsel

further submits that this judgment has attained finality and also stands implemented by the respondent-State.

4. I have gone through the facts of the case which is identical to the case on behalf of the petitioner. In the said case also, petitioners' name were sponsored for the post of TGT on 3rd December, 2002 and 2nd January, 2003 and their appointment orders were issued on various dates during 20th September, 2003 to 2nd November, 2004 and thereafter, the petitioners had approached the Court and it was ordered that their appointment be deemed to have been effected w.e.f. 15 days from receipt of their sponsorship /nomination from the Ex-servicemen Employment Cell, with all consequential benefits. The only difference is that in that case deemed date of appointment was falling before 15.5.2003, whereas, in present case it would be after 15.05.2003 and thus service conditions, as applicable on deemed date of appointment of the incumbent shall be applicable in the peculiar case.

5. All the facts in the present case except dates and post are identical to Hridye Prakash's case (supra) and the said case, as informed, has not only attained finality but also stands implemented by the respondent-State.

6. In view of the above, it is held that present case is squarely covered by the judgment of this High Court passed in Hridye Prakash's case (supra) and for similar facts and circumstances, the same judgment shall apply mutatis mutandis in the present case also for all intents and purposes, as per law/rules applicable on deemed date of appointment.

7. Accordingly, the present petition is allowed in aforesaid terms and State is directed to extend benefits, as available to the petitioner, within three months from today, for which he is entitled as per rules/law applicable, deeming his appointment w.e.f. 15 days from receipt of sponsorship from the Ex-servicemen Employment Cell.

Petition is disposed of, so also, pending application(s), if any.