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**(2020) 09 SHI CK 0094**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWPOA No. 5519 Of 2019**

Sushma Verma

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

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**Date of Decision :** 02-09-2020

**Acts Referred:**

**Citation :** (2020) 09 SHI CK 0094

**Hon'ble Judges :** Sandeep Sharma, J

**Bench :** Single Bench

**Advocate :** R.L.Chaudhary, Ashok Sharma, Arvind Sharma

**Final Decision :** Disposed Of

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## Judgement

Sandeep Sharma, J

1. Being aggrieved and dissatisfied with order dated 7.7.2015 (Annexure A-12), passed by District Panchayat Officer, Shimla in compliance to Directorate Office Letter No. PHC-HC (9) 2013 RGPSA Engagement of manpower by service provider-8173 dated 6.7.2015, whereby services of staff deployed under aforesaid scheme at block and district level came to be disengaged, petitioner approached erstwhile Himachal Pradesh Administrative Tribunal by way of OA No. 3157 of 2015, praying therein for following reliefs:-

"(i) That the impugned office order dated 7.7.2015(Annexure A-12) may kindly be quashed and set aside.

(ii) That the respondents may kindly be directed to re-engage the applicant against the post of Computer Operator, since the applicant was appointed on 14.11.2011 as per the Rules and she worked as such till July, 2015 and now her services have been terminated in violation of Rules, whereas other similarly situated persons have been retained as Computer Operators in the office of Respondent No.2."

2. After abolishment of erstwhile Tribunal, now the case at hand stands

transferred to this Court and the same has been re-registered as CWPOA No. 5519 of 2019.

3. Before the matter could be heard and decided, learned counsel for the petitioner states that since petitioner has taken brief from him, he is unable to argue the case at hand, however, having carefully perused the averments contained in the petition, vis-a-vis prayer made therein, there appears to be no merit in the petition being devoid of merit, as such there is no justification to keep the matter pending unnecessarily.

4. It is quite apparent from the material available on record as well as documents annexed with the petition that at no point of time petitioner was given appointment against the post of Data Entry Operator in the Department of Panchayati Raj by the respondent-State, rather her services were deployed in RGPSA at block through service provider i.e. Saraswati Dot Com, New Shimla. There is no document available on record suggestive of the fact that appointment, if any, to the petitioner against the post concerned was given by respondent-State, rather Directorate of Panchayati Raj under instructions and guidelines of Rajiv Gandhi Panchayati Raj Shashakatikaran Abhiyan, directed all the District Panchayat Officers-cum-Secretaries to take up necessary action to engage Data Entry Operators on outsource basis, as per list provided by Saraswati Dot Com, Annexure A-6.

5. Reply having been filed by respondents clearly reveals that Government of India has de-linked the scheme of RGPSA w.e.f. March, 2015, Annexure A-11, and as such further funding of the scheme was stopped including the salary component of the outsourced manpower. Since, the contract with the outsourcing agency for engaging staff under the scheme in question was to expire on 30.6.2015, service provider was rightly intimated on 6.7.2015 to disengage the services of the staff deployed under RGPSA from the date of expiry of the contract with the outsourced agency. It has been specifically denied in the reply filed by respondents that some of persons appointed through outsource agency have been retained, as such there is no merit in the present petition and accordingly the same is dismissed being devoid of any merit.

In view of above, present petition is disposed of, so also pending applications, if any.