

(2023) 08 SHI CK 0144

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 4948 Of 2023

Vijay Singh Thakur & Ors

APPELLANT

Vs

Chaudhary Sarvan Kumar Himachal Pradesh Krishi
Vishvavidalaya & Anr

RESPONDENT

Date of Decision : 31-08-2023

Acts Referred:

Citation : (2023) 08 SHI CK 0144

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Naresh Kaul, Naresh K. Sharma

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. Notice. Mr. Naresh K. Sharma, learned Standing Counsel appears and waives service of notice on behalf of the respondents.

2. Heard.

3. The petitioner has filed the present petition for the grant of following reliefs: -

"(a) That the present petition may be allowed and the petitioners may be held entitled to be governed by the GPF-Cum-Pension Scheme as framed vide Annexure P-1 & P-2 with all consequential benefits from the due dates, being similarly situated to the petitioners of CWPOA No. 6113/2020 titled as Suresh Chander Negi & Ors. Vs. CSKHPKVV Palampur & Anr.etc. (Annexure P-8) & CWP 9050/2022 titled as Dr. Akhilesh Sharma & others vs. CSKHPKVV Palampur, when the LPA'S no. 46 to 63 of 2023 filed by the respondents university have already been dismissed (Annexure P-9), in the interest of law and justice.

b) That the petitioners may be allowed to switch over from 'CPF-cum-Gratuity Scheme' to "GPF-cum-Pension-cum Gratuity scheme" & respondents may be directed to allot them the GPF Account Number on the analogy of Dr. Kamal Dev

Sharma under the real spirit of the decision of the Board of Management notified vide notification dated 25.07.2002, the necessary procedure for switching over, as has been done in the year 2012, may kindly be ordered to be adopted in the case of the petitioners within a time bound period, in the interest of law and justice.

c) That the impugned rejection as contained in Annexure P-7(colly.) set aside. may also be quashed and set aside.

d) That during the pendency of the present writ petition the respondents may be directed to consider & decide the representations (Annexure P- 10) of the petitioners submitted after the verdict of this Hon'ble Court dated 02.09.2022(in CWPOA No. 6113/2020 & CWP 9050/2022 titled as DR. Akhilesh Sharma And others vs. Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishwavidyalaya Palampur (Annexure P-9), when the LPA no. 46 to 63 of 2023, have already been dismissed(Annexure P-9), in the interest of law and justice .”

4. During the course of hearing, learned counsel for the petitioner submitted that the case of the petitioner and the relief prayed for by him are covered by judgment dated 17. 04.2023, rendered by this Court in LPA No.46 of 2023 (Chaudhary Sarwan Kumar HP Krishi Vishvavidyalaya Palampur & anr. vs. Vipin Kumar Gupta alongwith connected matters). Learned counsel further submitted that the petitioner would be content in case a direction is issued to the respondents/competent authority to consider the cases of the petitioner for redressal of his grievances pointed out in the instant petition in light of the aforesaid decision within a time bound manner. This is acceptable to the opposite side.

5. In view of the innocuous prayer made by learned counsel for the petitioner and without examining the merits of the matter, this writ petition is disposed of with a direction to the respondents/competent authority to consider and decide the cases of the petitioner by passing appropriate orders in accordance with law, within a period of eight weeks from today. While deciding the matter, the aforesaid judgment in Chaudhary Sarwan Kumar’s case, supra, be kept in view. The decision so arrived at shall also be communicated to the petitioner.

Pending miscellaneous application(s), if any, also to stand disposed of.