

29.5.2009

Present: None for the petitioner.

Ms. Anjula Khajuria, Advocate, for the respondents.

CWP(T) No.4073/2008

Initially, the petition was filed before the erstwhile Himachal Pradesh Administrative Tribunal on 22.1.1997 and admitted on 16.9.1997. With the enactment of The Himachal Pradesh Administrative Tribunal (Transfer of decided and pending cases and applications) Act, 2008 (No.14 of 2008), the same stands transferred to this Court.

On 5.5.2009, court notice was issued to the petitioner as also his counsel for today. In spite of pass over, none has caused appearance.

The petitioner was engaged as Helper (Sub Station) in the year 1991. He absented from duty w.e.f. 5.4.1991 upto 25.6.1996 for more than 1909 days. His absence was regularized in terms of office order dated 19.8.1996 (Annexure A-3). This order was subsequently revised by the authorities for the reason that the same was illegally and wrongly passed. The same is not under challenge in the present proceedings.

The respondents have clarified that the petitioner's appointment could not be regularized as he had remained absent from duty for more than 5 years. The order passed by the Secretary, H.P.S.E.B. regularizing the petitioner, in accordance with the policy decision was subject to the fulfillment of the following condition:

"It may be ensured that the workman is still on rolls and continuously working."

Obviously, the petitioner was not working at that time.

For the aforesaid reasons, I do not find any merit in the present petition and the same is accordingly dismissed.

**(Sanjay Karol),
Judge.**

**May 29, 2009
(rana)**

