

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP (T) No. 6606 of 2008

Decided on: 30th November, 2010.

Madan Mohan Khushdil

...Petitioner.

Versus

State of H.P. & others

...Respondents.

Coram

The Hon'ble Mr. Justice Kurian Joseph, Chief Justice
The Hon'ble Mr. Justice V.K. Ahuja, Judge.

For the petitioner : Ms. Nishi Goel, Advocate vice Counsel.

For the respondents : Mr. R.K. Bawa, Advocate General, with Mr. J.K. Verma, Deputy Advocate General for respondents No. 1 & 2.

Ms. Kiran Dhiman, Advocate, vice Counsel for respondents No. 26 & 27.

Justice Kurian Joseph, C.J. (Oral)

The writ petition has been filed with the following prayers:

- “i) The respondent No. 1 may be directed to count entire ad-hoc service of the applicant to HPFS post since 28.2.1986 for the purpose of seniority and other consequential benefits;
- ii) That the final seniority list dated 26.10.1999 (Annexure A-8), may be quashed and respondent No.1 may be directed to reframe the same in view of relief No. (i);
- iii) That the DPC held on 27.6.1996 may be quashed and respondent No. 1 may be directed to hold review DPC after giving benefit of stepping up of the ACRs of the applicant viz-viz the ACRs of Rangers and consequently, fresh regular promotion order of the applicant may be ordered to be issued and appropriate seniority position may be assigned to him consequent thereof;

2. It is seen that an identical issue has been considered by this Court leading to judgment in **CWP (T) No. 5469 of 2008, titled**

R.S. Karopha versus State of H.P. & Ors., decided on 22.10.2010.

The text of the judgment as appearing in paragraphs 2 & 3, reads as follows:

“2. Placing reliance on the decision of Hon'ble Supreme Court reported in ***Shiv Kumar Sharma and another versus Union of India and others, 1998 AIR SCW 4093***, the petitioner seeks an opportunity to approach the Government.

3. Therefore, the writ petition is disposed of as follows:-

In the event of the petitioner filing representation to the first respondent within a period of one month from today, the matter will be duly examined by the first respondent and appropriate orders in accordance with law and justice shall be passed by the first respondent advertent to the submissions made in the representation within a period of another four months. In case the petitioner seeks permission for personal hearing, the same shall also be granted to him.”

3. Being similarly situated, this writ petition is also disposed of in terms of the judgment, as extracted above.

4. The writ petition is disposed of, so also the pending application(s), if any.

Copy dasti.

(Justice Kurian Joseph),
Chief Justice.

November 30th, 2010.
(hl)

(Justice V.K. Ahuja),
Judge.