

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No.: 2804 of 2009.

Decided on: 29.06.2012.

Shri Jai Parkash s/o Shri Hari Singh, resident of village Garkahan, P.O. Majhewar, Tehsil Sunni, Distt. Shimla, Himachal Pradesh.

... Petitioner.

Versus

1. Dr. Y.S. Parmar University through Vice Chancellor, University of Horticulture & Forestry, Nauni, Distt. Solan, H.P.
2. Registrar, Dr. Y.S. Parmar University of Horticulture & Forestry, Nauni, Distt. Solan, H.P.
3. Associate Director, Regional Fruit Research Station, Mashobra (Cregmeno), Shimla – 171 007.

... Respondents.

Coram

The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.

*Whether approved for reporting?*¹ *No.*

For the petitioner : Mr. S.S. Sood, Advocate vice Mr. Neel Kamal Sood, Advocate.

For the Respondents : Mr. Onkar Jairath, Advocate for respondents No.1 and 2.

None for respondent No.3.

Justice Dharam Chand Chaudhary, J. (Oral):

This writ petition has been filed with the following prayer(s):-

“I. Direct the respondents to regularize the petitioner in view of policy attached herewith this writ petition as Annexure P-1 from the due date or with effect from

¹ *Whether the reporters of Local Papers may be allowed to see the judgment?*

the date, when his juniors were regularized with further directions to the respondents to grant all consequential benefits.”

2. Pursuant to the orders passed on the previous date, Shri I.D. Sharma, Section Officer, Dr. Y.S. Parmar University of Horticulture and Forestry-1st respondent has produced the record, which reveals that the petitioner alongwith other daily waged Beldars was regularized during the pendency of this writ petition vide office order No.UHF.Regr.E-II/2-19/2009, dated 11.12.2009. However, neither the petitioner nor respondent-University did apprise this Court about such subsequent developments.

3. Learned counsel representing the petitioner after having gone through the order *ibid*, has stated that nothing is left to be adjudicated upon in this writ petition on merits and as such has sought permission to withdraw the same.

4. On the previous date learned counsel while placing reliance on the office order Annexure P-2, had contended that in the matter of regularisation, the petitioner has been discriminated against as his juniors have been regularised. It is on such representation made by the learned counsel representing the petitioner, the respondent-University was directed to produce the record pertaining to the regularisation of the daily waged Beldars junior to the petitioner. It is shocking to note that the above representation is not based on factual position as the order Annexure P-2 does not pertain to regularisation of daily waged Beldars in the respondent-University, but, the same being issued by the Director, Industries, Himachal Pradesh pertains to the regularisation of daily waged Beldars working in the said department. To my mind, the present is an example of non-application of mind and

casual approach in the matter because otherwise, how an order which pertains to regularisation of daily waged beldars in some other department having no relevancy in the case in hand, would have been produced on record of this petition and relied upon to substantiate the claim of the petitioner. It is due to such casual approach the respondent-University, which was directed to produce the record, had to suffer unnecessarily. In such a situation, the petitioner though has rendered himself liable to be burdened with heavy costs, however, keeping in view that the petitioner being Beldar is a low paid employee, I am taking a lenient view of the matter with the expectation that the petitioner will be more cautious and careful in such matters in future.

5. With the above observations, permission sought by the learned counsel for the petitioner to withdraw the writ petition, is granted. The writ petition is accordingly dismissed as withdrawn. The pending application(s), if any, shall also stand disposed of. No costs.

**(Justice Dharam Chand Chaudhary),
Judge.**

June 29, 2012.
(sck).