

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

LPA No. 382 of 2012
Decided on 30.11.2012

Krishna Chauhan w/o Sh. Prem Jhagta, aged about 51 years, presently working as Principal in Sister Nivedita Government Nursing College IGMC Shimla, r/o Set No. 6, Block-1, US Club, Shimla-1 (H.P.)

....Appellant

Versus

1. State of HP through Principal Secretary (Health) to the Government of HP, Shimla.
2. Smt. Kaushalya Rathore, w/o Sh. Pritam Singh Juneja , r/o Block No. 18-C, Set No. 5, SDA Complex, Vikas Nagar, Tehsil & Distt. Shimla, H.P.

.....Respondents

Letters Patent Appeal

Coram

Hon'ble Mr. Justice Kurian Joseph, Chief Justice

Hon'ble Mr. Justice Rajiv Sharma, Judge.

Whether approved for reporting?

For the Appellant : Mr. Prem Pal Chauhan, Advocate.

For the Respondents : Mr. R.K. Bawa, Advocate General with Mr. Anshul Bansal, Addl. A.G. with Mr. Ankush Dass Sood, Addl. A.G., for respondent No. 1.

Justice Kurian Joseph, C.J. (oral):

The 2nd respondent has come in appeal aggrieved by the order dated 10.5.2012 passed in CMP No. 4828 of 2012 in CWP No. 1846 of 2011. The issue pertains to the framing of Rules for appointment to the various posts in the Nursing Colleges. The allegation made is that the Rules are not being framed and hence, the unqualified persons are being continued to hold various posts.

2. CWP No.1846 of 2011 was disposed of with the direction to frame the Rules before 31.7.2012. Thereafter, the State moved an application for extension of time and the Court

in CMP No. 4828 of 2012 in CWP No. 1846 of 2011 has passed the following order on 10.5.2012:-

“The time for framing the Rules is extended upto 31st July, 2012 and the time for filling up the post in accordance with the Rules so framed is extended upto 31st October, 2012. It is made clear that no further extension of time will be granted. In case the Rules are not framed or appointment is not made then respondent No. 2 shall not be entitled to continue on the said post.”

3. We make it clear that the appellant will continue as the Principal till the selection and the appointment to the post of Principal in terms of the new Rules are made. It is further made clear that the 1st respondent shall not draw salary from the month of April, 2013 onwards unless the whole process, as above, is completed before 31.3.2013. The Registry shall communicate this judgment to the Principal Secretary (Health) to the Govt. of H.P.

4. With these observations, the present appeal is disposed of, so also the pending application(s), if any.

(Justice Kurian Joseph)
Chief Justice

November 30, 2012
(Bhupender/Kalpana)

(Justice Rajiv Sharma),
Judge