

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CWP No. 2126 of 2014****Date of decision: 31.12.2014**

Shri Tota Ram

.....Petitioner.

Vs.

State of Himachal Pradesh and others

.....Respondents.

Coram***The Hon'ble Mr. Justice Rajiv Sharma, Judge******The Hon'ble Mr. Justice Sureshwar Thakur, Judge******Whether approved for reporting?¹***

For the petitioner : Mr. Rajiv Rai, Advocate.

For the respondents : Mr. M.A. Khan, Addl. A.G. with Mr. Ramesh Thakur & Mr. J.S. Guleria, Assistant A.Gs.

Rajiv Sharma, J. (Oral):

The petitioner was engaged as daily waged Beldar in the year 1999 under HP PWD Division, Sundernagar (Gohar Sub Division). He was regularized in the year 2008. He has obtained the certificate of Shot Firer in the year 2012.

2. The stand of the respondents is that the services of the petitioner is being taken as Shot Firers after obtaining the certificate of competency to carry out blasting of explosives in area not coming under the Mines Act, 1952.

Whether the reporters of the local papers may be allowed to see the Judgment?

3. It is evident from the reply that vide letter, dated 10.12.2012 (Annexure R-1), the Chief Engineer (Mandi Zone), HP PWD, Mandi has taken up the matter with the competent authority for the creation of post of Blastman in HP PWD Division, Gohar. However, the decision of the competent authority is still awaited.

4. Accordingly, the petition is disposed of with a direction to the competent authority to take a final decision on Annexure R-1, dated 10.12.2012, sent by the Chief Engineer (Mandi Zone), HP PWD, Mandi, within a period of four weeks from today towards the creation of post of Blastman/Shot Firer in HP PWD Division Gohar and thereafter to consider the case of the petitioner for appointment, if he is eligible. It is made clear that while filling up the post in question, the respondents shall also take into consideration the training certificate of Shot Firer obtained by the petitioner and the work being discharged by him. The pending application(s), if any, also stands disposed of. No costs.

(Rajiv Sharma)
Judge

(Sureshwar Thakur)
Judge

December 31, 2014
(bhupender)