

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Execution Petition No. 38 of 2020

Date of Decision 31st August, 2020

Yashvir Singh & others

...Petitioners

Versus

State of H.P. & another

....Respondents

Coram

The Hon'ble Mr. Justice Vivek Singh Thakur, J.

Whether approved for reporting?¹

For the Petitioners:

Shri Surinder Prakash Sharma,
Advocate, through Video
Conferencing.

For the Respondents:

Mr. R.R. Rahi, Deputy Advocate
General, through Video
Conferencing.

Vivek Singh Thakur, J.

Learned Deputy Advocate General has placed on record copy of order dated 29th August, 2020 passed by competent authority, whereby services of three petitioners, considering their case similar to petitioners in CWP(T) No. 5253 of 2008, titled Narain Singh vs. State of H.P. read with judgment

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

passed by this Court in LPA No. 146 of 2010, out of 11, have been regularized in compliance of judgment dated 13.09.2018 passed in OA No. 5491 of 2018 titled Yashvir Singh and others vs. State of Himachal Pradesh, for violation whereof present petition has been filed. He has further submitted that however, services of eight petitioners have not been regularized on the ground that they were engaged on special contract and thus, they have been considered by department differently than three petitioners, whose services have been regularized, and it has been concluded by competent authority that no junior was regularized prior to those petitioners appointed on special contract.

2 It is contended on behalf of petitioners that though three petitioners, whose services have been regularized, were engaged on contract and eight petitioners were engaged on special contract, however, there is no difference between contract and special contract and similar stand has been taken by respondents in CWP No. 415 of 2000 decided by High Court.

3 In order passed by Tribunal, there was direction to respondents to extend the benefits of regularization to petitioners, subject to verification and on finding that petitioners are similarly situated to petitioners in Narain Singh's case referred supra.

4 Rightly or wrongly, the respondents have decided the claim of petitioners. Now, the petitioners, whose case has been rejected by competent authority, have to file appropriate comprehensive petitions for redressal of their grievances as their similarity with other petitioners was not adjudicated by Erstwhile Tribunal in the order, for violation whereof this petition has been filed.

5 Though decision has been taken by competent authority, but, there is delay in deciding the case of petitioners, for which learned Deputy Advocate General, under instructions of respondents, has tendered unqualified, unconditional and sincere apology.

6 In view of above, accepting the unconditional and unqualified apology tendered on behalf of respondents, petition is closed and disposed of with liberty to petitioners to file appropriate comprehensive fresh petitions for redressal of their grievances, if any, survive.

August 31,2020
(ms)

(Vivek Singh Thakur)
Judge