

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.479 of 2023

Decided on: 31.01.2023

Kiran Thakur

.....Petitioner

Versus

State of HP & another

.....Respondents

Coram

Hon'ble Mr. Justice Sushil Kukreja, Judge

¹ *Whether approved for reporting?*

For the petitioner: Mr. Kul Bhushan Khajuria, Advocate.

For the respondents: Mr. Baldev Negi and Mr. Pushpender Singh Jaswal, Additional Advocates General.

Sushil Kukreja, Vacation Judge (Oral)

The petitioner has filed the present petition under Article 226 of the Constitution of India, seeking following substantive relief:-

“(i). That the respondent department may kindly be directed to decide the representation of the petitioner and post the applicant at Medical College Ner Chowk Mandi against the vacancy being caused w.e.f. 31.01.2023.”

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

2. The grievance of the petitioner is that she joined the respondent-Department as Staff Nurse and was posted at PHC Chowk, District Mandi, H.P. Thereafter, she was promoted and posted at various stations and now the petitioner was promoted on 19th September 2022 and posted at Civil Hospital Banjar, District Kullu, H.P. The petitioner submitted a representation (Annexure P-1) for her adjustment on the ground that she is suffering from chronic kidney problem, for which the treatment is not available at Banjar and the post of Matron is going to fall vacant at Medical College Ner Chowk, District Mandi on 31.01.2023.

3. Today, the learned Additional Advocate General has placed on record the instructions, wherein it has been stated that one post of Matron is going to fall vacant on 01.02.2023 on account of the retirement of one Smt. Purna Devi on 31.01.2023, on her attaining the age of superannuation. It has further been stated that the request of the petitioner for her adjustment at SLBSGMC Ner Chowk, District Mandi can be considered against the aforesaid vacancy keeping in view her health ground.

4. At this stage, the learned counsel for the petitioner stated that in view of the instructions placed on record, the

petitioner will move a fresh detailed representation to respondent No.2 for her adjustment at SLBSGMC Ner Chowk, District Mandi, H.P. against the vacant post of Matron within a period of two days and he would be satisfied in case such representation of the petitioner is considered and decided expeditiously.

5. Therefore, without advertng to the merits of the case, it is hereby directed that on moving a fresh representation by the petitioner within a period of two days for her adjustment at SLBSGMC Ner Chowk, District Mandi, H.P. against the vacant post of Matron, respondent No.2 shall consider and decide the same as expeditiously as possible, preferably within a period of one week from the receipt of the representation.

6. It is made clear that till the time, such representation of the petitioner is decided, the post of Matron at SLBSGMC Ner Chowk, District Mandi, shall be kept vacant.

The petition stands disposed of accordingly, so also the pending miscellaneous application(s), if any.

(Sushil Kukreja)
Vacation Judge

January 31, 2023
(VH/SS)