

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4977 of 2024

Decided on: 31st May, 2024

Avinash Kumar

.....**Petitioner**

Versus

State of H.P. & Ors.

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioners: Mr. Vikas Rajput, Advocate.

For the Respondents: Mr. Y.P.S. Dhaulta and Mr. L.N. Sharma, Additional Advocates General.

Jyotsna Rewal Dua, Judge

Notice. Mr. Y.P.S. Dhaulta, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. With the consent of learned counsel for the parties, the matter is heard at this stage.

3. The petitioner was appointed on contract basis on 04.05.2021. His services were regularized on 04.10.2023. The contention of the petitioner is that his initial appointment on contract basis was pursuant to

¹ Whether reporters of print and electronic media may be allowed to see the order? Yes.

proper recruitment process followed by the respondents in terms of the applicable Recruitment and Promotions Rules. Therefore, he is entitled to count the entire period of contractual service for the purpose of seniority, pay fixation, promotion, annual increments and pension etc.

4. Learned counsel for the petitioner submitted that the issue raised by the petitioner in this writ petition has already been adjudicated upon in **CWP No.2004 of 2017 (Taj Mohammad and others Versus The State of Himachal Pradesh and others)**, decided alongwith connected matter on 03.08.2023. Grievance of the petitioner is that his representation seeking aforementioned relief has not been decided by the competent authority/respondent. Learned counsel further submits that the petitioner would be content in case a direction is issued to the respondent/competent authority to consider and decide the case of the petitioner for redressal of his grievances raised in the writ petition in light of the aforesaid judgment within a fixed time schedule.

Learned Additional Advocate General for the respondents states that the respondents are not averse to consider the case of the petitioner in light of the aforesaid

judgment, however, all rights and contentions of the parties be left open for decision.

4. Having regard to the afore-submissions, but without examining the merits of the matter, this writ petition is disposed of by directing the respondent to consider and decide the case of the petitioner for redressal of his grievances raised in the writ petition, in accordance with law and taking into consideration the above judgment in the case of **Taj Mohammad**, *supra*, within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioners.

It is clarified that all rights and contentions of the parties are left open.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

May 31, 2024
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Jyotsna Rewal Dua
Judge