

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.5001 of 2024

Decided on: 31st May, 2024

Manohar Lal

.....**Petitioner**

Versus

State of H.P. and another

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Devender K. Sharma, Advocate.

For the Respondents: Mr. R.S. Verma and Mr. Y.P.S. Dhaulta, 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 case of the petitioner is that he was appointed as Clerk on contract basis vide letter dated 15.10.2013. His appointment was made in accordance with the applicable Recruitment & Promotion (R&P) Rules, though on contract basis. The continued contractual

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

service of the petitioner was followed by regularization on 26.11.2017. With the grievance that his representation regarding counting contractual service for the purpose of annual increment, leave encashment, career progression scheme, pension etc. has not been decided by the competent authority, this writ petition has been preferred for the grant of following substantive relief:-

“(i) That an appropriate writ, order or directions may kindly be issued, thereby directing the respondents to count the contract services rendered by the petitioner for all purposes including the purposes of annual increments, leave encashment, career progression scheme and for the purposes of counting the services towards pension and the contract service rendered by the petitioner may very kindly be ordered to be counted for the purposes of seniority and they may kindly be released all the consequential benefits after counting of their contract service from the date of their initial appointment by granting the arrears alongwith interest @ 9% p.a. in the interest of justice and fair play.”

4. Learned counsel for the petitioner submitted that the above reliefs have been prayed for on the strength of the decision 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. Learned counsel further submits that the petitioner would be content in case the respondents are directed to consider and decide his case for grant of above

reliefs in light of the aforesaid judgment within a fixed time schedule.

Learned Additional Advocate General submits 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.

5. Having regard to the afore-submissions, but without examining the merits of the matter, this writ petition is disposed of by directing the respondents to consider and decide the case of the petitioner for grant of the reliefs prayed for in the 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 petitioner.

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
Mukesh

Jyotsna Rewal Dua
Judge