IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 1426/2024

Decided on: 20th December, 2024

Nek Mohammed **.....Petitioner**

Versus

State of Himachal Pradesh & Anr. **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioners: Mr. Sohail Khan, Advocate vice Mr. Rocky, Advocate.

For the Respondents: Mr. L.N. Sharma, Additional Advocates General.

Jyotsna Rewal Dua, Judge

Even though the reply has not been filed, however, with the consent of learned counsel for the parties, the matter is heard at this stage.

2. This writ petition has been filed for the grant of following substantive reliefs:-

> *" Issue an appropriate writ, order or direction to the respondent department to count the service of petitioner rendered in contract basis for the purpose of seniority,pension, annual increment, earned leave, career progression scheme alongwith all other consequential benefits from the date of initial appointment on contract basis in the interest of justice."*

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

2. Learned counsel for the petitioner submitted that the issue raised by the petitioner in this writ petition has already been adjudicated upon in ***Taj Mohammad and others Versus The State of Himachal Pradesh and others,[2] alongwith connected matter.*** 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 their 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 cases of the petitioners in light of the aforesaid judgment, however, all rights and contentions of the parties be left open for decision.

3. 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 grievance 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

[2]CWP No.2004 of 2017 decided 03.08.2023

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.

Jyotsna Rewal Dua
Judge

December 20th 2024
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