IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWPOA No. 5986 of 2020
Date of decision: 07.05.2024

Harbans Lal ...Petitioner

Versus

State of H.P. & Ors. ...Respondents

Co*ram*

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.
The Hon'ble Mr. Justice Sushil Kukreja, Judge.

Whether approved for reporting? No.

For the Petitioner: Mr. Vikas Rajput, Advocate.

For the Respondents: Mr. Anup Rattan, A.G. with Mr. Ramakant Sharma and Ms. Sharmila Patial, Addl. A.Gs.

Tarlok Singh Chauhan, Judge (Oral)

The instant petition has been filed for grant of the following substantive relief:-

> *"(i) The respondents may kindly be directed to re-engage the applicant forthwith with continuity in service and the services and the services of the applicant be regularized at par with his junior person i.e. respondent No. 4 with all consequential benefits.*

2. The premise on which the instant petition has been filed owes its genesis to the earlier petition filed on behalf of the petitioner before this High Court being CWP No. 2120 of 2013, wherein a direction was given to the respondents to consider the case of the petitioner for re-engagement in light of the principle of '*last come, first go*' and in light of the ratio laid down by this

Hon'ble Court in **CWP No. 9440 of 2012, titled as Bilu Ram vs. State of H.P. & Ors.**

3. The respondents considered the representation of the petitioner but rejected the same on the ground that there is no person junior to the petitioner having been appointed. However, the petitioner would still contend that after filing of the earlier petition, juniors to the petitioner have been engaged.

4. We find no merit in the said contention because it was the petitioner himself who had sought information under Right to Information regarding the details of the juniors appointed in the respondents-department. In the reply to such information as has been appended with the rejoinder as Annexure P-4, dated 06.04.2024, goes to indicate that no labourer was recruited by the respondents from the year 2013 up to 2024, except certain Beldars, that too, on compassionate ground, as per the policy of the Government.

5. In this view of the matter, obviously, the instant petition is misconceived and otherwise sans merits and the same is disposed of accordingly.

(Tarlok Singh Chauhan)
Judge

(Sushil Kukreja)
Judge

7th May, 2024
(sanjeev)