IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.16132 of 2024
Date of decision: 26.12.2024

Shagun Sharma. ...Petitioner.

Versus

State of H.P. & Anr. ...Respondents.

Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?

For the petitioner	:	Ms. Anuja Mehta, Advocate.
For the respondents	:	Mr. Amandeep Sharma, Additional Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Mr. Amandeep Sharma, Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. This writ petition has been filed for the grant of following substantive relief(s):-

> *"(i). That act of the respondent in not counting the services rendered by the petitioner on contract basis as Planning Officer for the purpose of seniority along with all consequential benefits may kindly be held unconstitutional, discriminatory, arbitrary, unreasonable, unjustified, unwarranted, invalid, violative of Article 14 and 16 of the Constitution of India and contrary to the law laid down by this Hon'ble Court vide judgment passed by this Hon'ble Court on dated 3-8-2023 (Annexure-P/3) in CW.P. No.2004/2017 a/w C.W.P. No. 629/2018 upholding the judgment dated 25-5-2017 passed by the*

erstwhile Ld. H.P. Administrative Tribunal in O.A. No. 3337/2016.

(ii) That the respondent may kindly be directed to count the entire service of the petitioner, including initial service on contract basis, followed by regularization towards seniority along with all consequential benefits being a covered matter by the law laid down by this Hon'ble Court vide 3-8-2023 (Annexure-P/3) in CW.P. No. 2004/2017 a/w C. W.P. No. 629/2018 upholding the judgment dated 25-5-2017 passed by the erstwhile Ld. H.P. Administrative Tribunal in O.A. No. 3337/2016 whereby the service rendered by the employees concerned on contract basis has been ordered to be counted for the purpose of seniority along with consequential benefits and the respondent department is under legal duty to count the Contract services of the petitioner for the purpose of annual increments."

3. Admittedly, the petitioner has invoked extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India without even preferring any representation to the competent authority for the redresssal of his grievances raised in the writ petition.

4. Confronted with above, learned counsel for the petitioner submitted that the petitioner would be preferring representation within two weeks from today. In case, such representation is so preferred, the competent authority shall consider and decide the same, in accordance with law, within

further period of six weeks. The order so passed shall also be communicated to the petitioner.

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

Jyotsna Rewal Dua
Judge

26th December, 2024
(Pardeep)