(2024) 01 SHI CK 0063

High Court Of Himachal Pradesh

Case No: Civil Writ Petition No. 437 Of 2024

Govind Kumar & Ors		APPELLANT
	Vs	
State Of Himachal Pradesh & Ors		RESPONDENT

Date of Decision: Jan. 11, 2024

Hon'ble Judges: Ranjan Sharma, J

Bench: Single Bench

Advocate: Vijay Kumar, Rajan Kahol

Judgement

Ranjan Sharma, J

1. Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. With the consent of the parties, the instant writ petition is taken up for disposal, at this stage, in view of the peculiar facts as borne out from the

pleadings.

3. The petitioners have filed the instant writ petition with the following prayers:-

Ã¢â‚¬Å“(i) That writ in the nature of mandamus may kindly be issued, directing the respondents to convert the services of the petitioners on contractual

basis against the post of pump attendant with effect from due date, i.e., 01.04.2020, instead of 04.11.2020, in the time scale of pay, with all

consequential benefits.

(ii) That writ in the nature of mandamus may kindly be issued, directing the respondents to convert the services of the petitioners on regular basis after

completion of 2 years of contractual services, w.e.f. due date, i.e., 01.04.2022, instead of 09.05.2023, with all consequential benefits, i.e., seniority,

arrear and monetary benefits in the interest of justice and fair play.Ã¢â‚¬‹

4. The only grievance of the petitioners is that the petitioners have been converted and granted contractual status as pump attendant w.e.f. 04.11.2020

whereby, the petitioners are entitled to the aforesaid status w.e.f. 01.04.2020. Consequent upon the antedating the contractual status, the petitioners

are also claiming the antedating of their regularization as mentioned in (i) & (ii) of the prayer clause.

5. Per contra, Mr. Rajan Kahol, learned State Counsel, submits that the instant petition, seeking mandamus is not maintainable for the reason that the

petitioners have to assail the right/claim before the appropriate authorities, who are to examine the same and only in case of denial or delay therein the

petitioners can approach this Court and not otherwise.

6. Faced with this situation, Mr. Vijay Kumar, learned counsel, on instructions of the petitioners prays for two weeksÃ¢â‚¬â„¢ time for making a

representation to the Respondent No.2-Engineer-in-Chief, Jal Shakti Vibhag (I&PH) Department, Himachal Pradesh, Shimla. The prayer so made

being innocuous is not opposed and is accordingly granted in the interests of justice.

7. In the entirety of the facts referred to above, this Court, permits the petitioners to make representation to the Respondent No.2-Engineer-in-Chief,

Jal Shakti Vibhag (I&PH) Department, Himachal Pradesh, Shimla, either jointly or separately, within two weeks from today; with further directions to

the aforesaid respondent to consider/examine the case of the petitioners, and to pass appropriate order(s) in the matter within six weeks thereafter.

9. Needless to say that, this Court has not adverted to the rival contentions and merits of the matter and all questions of facts and law are left open.

In aforesaid terms, the writ petition as well as the pending miscellaneous application(s), if any, shall also stand disposed of, accordingly.