

(2024) 03 SHI CK 0088
High Court Of Himachal Pradesh
Case No: CWPOA No. 5958 Of 2020

Hem Singh

APPELLANT

Vs

State Of Himachal Pradesh &
Another

RESPONDENT

Date of Decision: March 27, 2024

Hon'ble Judges: Tarlok Singh Chauhan, J; Sushil Kukreja, J

Bench: Division Bench

Advocate: Mohit Sharma, Shriram Vishwanath Bhardwaj, Anup Rattan, I.N. Mehta, Ramakant Sharma, Sharmila Patial, Rajat Chauhan

Final Decision: Disposed Of

Judgement

Tarlok Singh Chauhan, J

1. The instant petition has been filed for grant of following substantive reliefs:-

“a) The retirement order vide Annexure –A/1 be set aside and the respondent be directed to recall the retirement order of the applicant dated 20.01.2018 and extend the benefit of the Annexure –A/2 mutatis mutandis to the applicant.

b) The respondents be directed to re-employ/re-instate the applicant in the post of designation from where he got retired on 31.01.2018 in the same way as if the applicant had not been superannuated.

c) The respondents be directed to count the interregnum period of retirement w.e.f. 31.01.2018 till his re-employment in his regular service for all purpose and intent in the same way as if the applicant had not been retired from his service and this period be counted and clubbed with his seniority as per the seniority the applicant had been serving under till his retirement.

d) The respondents be directed to release/grant all service benefits in the same as if the applicant had not got retired from his service e.g. seniority, increments, medical benefits, leaves as per leave rules, EPF, CPF, employees insurance etc. as per law.”

2. It is not in dispute that the claim of the petitioner is squarely covered by the judgment rendered by the Hon’ble Full Bench of this Court in CWP No.2711 of 2017 titled as Baldev Versus State of Himachal Pradesh and others, alongwith connected matters, decided on 22.2.2022.

3. Accordingly, the instant petition is disposed of with a direction to the respondent-State to consider and decide the case of the petitioner, in light of the judgment rendered in Baldev’s case (supra) within four weeks and in case the petitioner herein is found to be similarly situated, then same and similar benefits, as extended to

Baldev Singh, be also granted to the petitioner within four weeks thereafter. Pending application(s), if any, also stands disposed of.

For compliance, list on 01.05.2024.