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(2018) 04 SHI CK 0017

High Court of Himachal Pradesh

Case No: CWP No. 2629 of 2017

Lekh Raj

APPELLANT

Vs

State of H.P. & Others

RESPONDENT

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Date of Decision: April 23, 2018

Hon'ble Judges: DHARAM CHAND CHAUDHARY, VIVEK SINGH THAKUR

Bench: Division Bench

Advocate: Rajesh Kumar Verma, S.C. Sharma, Narinder Guleria, Kunal Thakur, Dy.A.G

Final Decision: Disposed Of

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Judgement

Dharam Chand Chaudhary, J.

1.Heard.

2.On having gone through the facts of this case and taking into consideration the rival submissions, it transpired that in the previously instituted writ

petition, judgment Annexure P-3 came to be passed by a Division Bench of this Court. So far as his removal from service is concerned, it was

directed that the respondents while serving him notice and affording opportunity of being heard shall take decision in the matter, in accordance with

law.

3.As regards the release of grant in aid in his favour, it was left open to him to approach respondent No.2 (Director of Education) in that writ petition.

The said respondent was directed to consider and decide his request, if any, made in accordance with law and after affording opportunity of being

heard to all concerned.

4.This being the factual position, instead of filing fresh writ petition, the petitioner should have resorted to appropriate remedy available to him including

initiating contempt/execution proceedings, had there been any violation or non-implementation of the said judgment. Therefore, this writ petition is not maintainable and the same is accordingly disposed of leaving it open to the petitioner to resort to appropriate remedy available to him, in accordance with law. Pending application(s), if any, shall also stand disposed of.