



2022:HHC:779

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

ON THE 10th DAY OF FEBRUARY 2022

BEFORE

HON'BLE MS. JUSTICE JYOTSNA REWAL DUA

CIVIL WRIT PETITION NO. 685 of 2022

Between:-

**VISHAL, S/O SHRI RAJ PAL,
RESIDENT OF VILLAGE NALAG,
POST OFFICE BERI RAZADIAN,
TEHSIL SADAR, DISTRICT BILASPUR, H.P.**

.....PETITIONER

**(BY SHRI PRASHANT SHARMA, ADVOCATE
VICE SHRI MANDEEP CHANDEL, ADVOCATE)**

AND

- 1. STATE OF H.P., THROUGH SECRETARY
(URBAN DEVELOPMENT)
TO THE GOVERNMENT OF HIMACHAL
PRADESH, SHIMLA.**
- 2. DIRECTOR (URBAN DEVELOPMENT)
TO THE GOVERNMENT OF
HIMACHAL PRADESH, SHIMLA.**
- 3. MANAGING DIRECTOR,
HPSEDC, SHIMLA, DISTRICT SHIMLA, H.P.**
- 4. COMMISSIONER, MUNICIPAL CORPORATION,
PALAMPUR, DISTRICT KANGRA, H.P.**
- 5. ASHVIK KAPOOR, S/O SHRI JAI KISHAN,
R/O VILLAGE BANDLA KHAS,**



**POST OFFICE NACHHAIR,
TEHSIL PALAMPUR, DISTRICT KANGRA, H.P.**

.....RESPONDENTS

**(BY SHRI HEMANT VAID, ADDITIONAL ADVOCATE
GENERAL, FOR R-1 AND R-2)**

*This petition coming on for admission this day, the
Court passed the following:*

ORDER

The projected case of the petitioner is that on 10.12.2021, vide Annexure P-6 respondent No. 3 (H.P. State Electronics Development Corporation Limited) recommended his name as an outsource employee to respondent No. 2. On 13.12.2021, he joined against the post of Junior Engineer (Civil), Palampur, falling under Urban Development Department i.e. respondent No. 2. However, vide Annexure P-8, dated 07.02.2022 respondent No. 2 has ordered for his removal and someone else has been appointed in his place. Petitioner prays for following reliefs:-

“i) That in view of the above mentioned facts and circumstances the impugned notification dated 07.02.2022 may kindly be quashed and set aside and further direction to the respondents to allow the



petitioner as a Junior Engineer (Civil) in the interest of justice and fair play.

ii) That the respondent is directed to release all the consequential benefits from the due date.”

2. On being put to notice, learned Additional Advocate General has placed on record instructions on behalf of respondents No. 1 and 2. The gist of these instructions is that respondent No. 2 had sent two requisitions to respondent No 3 i.e. dated 8.11.2021 and 12.11.2021 for providing 13 Nos. Junior Engineers and 13 Nos. Sanitary Supervisors on outsource basis to be deployed in various Urban Local Bodies in the State. The copies of requisitions have been appended alongwith the instructions. It has further been submitted that respondent No. 3 vide letter dated 03.02.2022 forwarded list of selected candidates for approval to respondent No. 2. This list was approved by respondent No. 2 vide Annexure P-8, dated 07.02.2022.

3. It has further been submitted that the name of the petitioner was never sent by respondent No. 3 to respondent No. 2. That Annexure P-6 placed on record by the petitioner was never received by respondent No. 2. The list of the



suitable candidates selected by respondent No. 3 for manpower deployment on outsource basis in Urban Local Bodies sent to respondent No. 2 on 3.2.2022 has also been made part of the instructions. Name of the petitioner does not figure in this list under the category of Junior Engineers. Respondent No. 2 has also stated that as per information received from Commissioner, Municipal Corporation, Palampur (respondent No. 4), the petitioner had submitted a joining report as a Junior Engineer. However, the joining was never accepted since it was without offer appointment by the outsource agency.

In view of the above instructions, it is apparent that the Outsource Agency had not offered appointment to the petitioner. His name was neither in the list of candidates received by respondent No. 2 nor his name was approved for appointment by respondent No. 2. Accordingly, I find no merit in the instant petition and the same is accordingly dismissed, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Vacation Judge

10th February, 2022
(vs)