

CWPOA No.451 of 2019

28.10.2020 Present: Mr. Rajesh Kumar Sharma, Advocate, for the petitioners.

Mr. Sumesh Raj, Mr.Dinesh Thakur and Mr. Sanjeev Sood, Additional Advocate Generals, for the respondents-State.
(through Video Conferencing)

Learned counsel for the petitioners informs the Court that the first relief prayed for by the petitioners has been rendered infructuous. However, according to him, the second relief still survives as the respondent-department has adopted the discriminatory criteria while regularizing the services of similarly situate persons. Learned counsel has referred to Annexure P-3 appended with the petition, in terms whereof Lecturers (School Cadre) appointed in different subjects in Government Senior Secondary Schools in the State of Himachal Pradesh, on contract basis, who had completed eight years of continuous service on 31.12.2004, were ordered to be regularized w.e.f. 01.01.2005. He has also referred to Annexure P-1, which is the Office Order dated 24.02.2009, vide which services of the petitioners were regularized w.e.f. 31.12.2008, on the conditions that the incumbents in issue should have completed eight years of continues service as on 31.03.2008.

According to learned counsel for the petitioners, the arbitrariness and discrimination in the act of the respondent-department is that when the incumbents mentioned in Annexure P-3 have been regularized by the department concerned on completion of eight years of continuous service on 31.12.2004 w.e.f. 01.01.2005, then the petitioners also ought to have regularized on completion of eight years contract service as on 31.03.2008 w.e.f. 01.04.2008 and not after a lapse of nine months.

At this stage, learned Additional Advocate General submits that he may be granted some time to have instructions, so that this issue can be clarified from the department concerned.

As prayed for, list on **05.11.2020**.

(Ajay Mohan Goel)
Judge

October 28, 2020
(*Rishi*)