

CWP No.4119 of 2019

01.10.2020 Present: Ms. Suman Thakur, Advocate, for the petitioner.

Mr. Sumesh Raj, Dinesh Thakur and Mr. Sanjeev Sood, Additional Advocate Generals, for the respondents-State.

(Through Video Conferencing)

On 25.09.2020, this Court had passed the following order:-

“Rejoinder stands filed by the petitioner. It stands averred by her that even in the year 2016, she has completed 239 days service, followed with 255 days in 2017, 322 in 2018 and 316 in 2019.

Learned counsel for the petitioner further informs the Court that in the year 2020, she has regularly worked up to the month of September, but thereafter, the work is not being granted to her.

He that as it may, the case is ordered to be listed on 1st October, 2020, to enable learned Additional Advocate General to have instructions as to why the petitioner is not being permitted to continue to perform her duties from the month of September, 2020 on wards.

Taking into consideration the totality of the case, this Court observes that it will be in the interest of justice in case the petitioner is permitted to complete minimum 240 days in this calendar year. Learned Additional Advocate General also to have definite instructions in this regard and authorities are also directed to take a sympathetic view in the peculiar facts of this Case. Copy *dasti*”.

Today, learned Additional Advocate General has handed over a copy of instructions, so imparted to him by Director of Atal Bihari Vajpayee Institute of Mountaineering and Allied Sports, Manali, District Kullu, H.P.,

dated 28.09.2020, which is ordered to be taken on record, contents whereof are reproduced hereinbelow:-

“Kindly refer to your office letter No.CWP4119/2019, dated 26th September, 2020 on the subject cited above.

In this context, is submitted that the respondents department imparts training to trainees in adventure sports and this training is carried out only seasonally. There is no permanent training for the whole year. Hence the services of the petitioner is being engaged as and when the work is available with the respondents department. It is pertinent to mention here that in these days due to covid-19 no training of any courses is being conducted by the respondents department.

The facts remain that there is no work available to the petitioner in the respondents department and the department of respondents is autonomous body where the funds are to be acquired/created/generated amongst from the trainees fees who are doing the different courses of adventure sports and thereafter salary/expenses of the institution and daily wagers is to be meet out. Therefore, at present the respondents department has no availability of vacancy and even no funds to pay the salary to the petitioner, because of no courses being conducted. As this also becomes an audit objection. In light of the above we request that case may be taken up with the Hon’ble High Court for getting the order corrected”.

Be that as it may, if on account of COVID-19 Pandemic, no training of any course concerned is being conducted by the respondent-department, on account of which, the services of the petitioner cannot be continued, it is ordered that till further orders, the services of the Director of the concerned Institute be also dispensed with and no salary be

released to him without the leave of the Court.

As prayed for, list for hearing on ***04.11.2020***.

Copy ***dasti***.

(Ajay Mohan Goel)
Judge

October 01, 2020
(*Rishi*)