

No. PER (AP)-C-A (4)-1/2011
Government of Himachal Pradesh
Department of Personnel (AP-III)

Dated: Shimla-171002, the 27th December, 2011.

From

The Principal Secretary (Personnel) to the
Government of Himachal Pradesh.

To

1. All the ACSs/Principal Secretaries/Secretaries to the Government of Himachal Pradesh, Shimla-171002.
2. All the Divisional Commissioner in H.P.
3. All the Head of the Departments in H.P.
4. All the Deputy Commissioners in H.P.

Subject:- No relaxation in terms of age, qualification or eligibility-orders of High Court of Himachal Pradesh thereto.

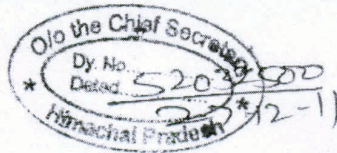
Sir/Madam,

In continuation to this Department's letter of even number dated the 16th December, 2011 on the above noted subject, I am directed to enclose herewith a copy of orders/ directions given by the Hon'ble High Court of Himachal Pradesh in COPC No. 329 of 2011 titled as Dharam Pal V/s Shri Shrikant Baldi, Principal Secretary (Education) to the Government of Himachal Pradesh with the request to adhere to these orders/directions passed by the Hon'ble High Court of Himachal Pradesh so as to avoid any further contempt petition in the matter. Besides this, you are, further, requested to issue directions to the Departments under your control for strict compliance of the orders passed in the above COPC.

Yours faithfully,



Under Secretary (Personnel) to the
Government of Himachal Pradesh.



URGENT

HIGH COURT OF HIMACHAL PRADESH, SHIMLA- 171001.
(Forwarding letter)

Case COPC No. 329 of 2011 Dated 24-12-2011 .

Subject: Copy of order dated 21-12-2011 passed by the Hon'ble High Court of
isculated HP, Shimla.

ays and Dharam Pal.

Pettioner(s).

39364
24-12-11

Res.
26/12
Versus
Shrikant Baldi.

Respondent(s).

To

The Chief Seretary,

Home

to the Government of Himachal Pradesh,

Shimla.

Sir,

In the above mentioned case, I am directed to forward herewith a copy of
order dated 21-12-2011 in COPC No. 329 of 2011 for information and
necessary action.

Please, acknowledge receipt.

Encls:- As above.

Yours faithfully,

eeet
Section Officer (Judicial)
High Court of HP Shimla.

CONTINUED ORDER SHEET

Date	Order
21.12.2011	<p data-bbox="824 254 1117 279">COPC No. 329 of 2011.</p> <p data-bbox="440 306 1308 426">Present: Mr. B.C. Verma, Advocate, for the petitioner. Mr. Ankush Dass Sood, Addl. Advocate General, for the respondent.</p> <p data-bbox="594 485 1360 569">On 1st December, 2011, this Court passed the following order:</p> <p data-bbox="745 600 1360 806">“2. There shall be no relaxation in the case of any person either for employment or for promotion or for regularization either in terms of the age of in terms of the qualification or in terms of the eligibility until further orders.”</p> <p data-bbox="589 879 1360 1262">It appears the order has not been communicated to the other Departments so-much so as a Rule, the relaxation has been going on. <u>There will be a direction to the Chief Secretary to communicate this order to all the Departments forthwith, so that lack of information of the order will not be taken as a defence in the contempt proceedings.</u></p> <p data-bbox="589 1293 1360 1444">Rule 39 of the Rules of Business makes it mandatory to consult the Law Department as to the steps to be taken in litigations.</p> <p data-bbox="589 1476 1360 1797">In view of the affidavit filed by the Chief Secretary and the Law Secretary that the appeals are filed in this Court even without seeking the opinion of the Law Department, there will be a direction to the learned Advocate General to clearly state in the memorandum of Appeal as to whether LPAs are filed on the advice of the Law Department</p>



CONTINUED ORDER SHEET

Date	Order
	<p>and in case the Law Department's opinion is not accepted, why it is not accepted.</p> <p>The Registry shall not accept any LPA without such a pleading in the memorandum of appeals.</p> <p><u>Post on 28th December, 2011 along with the writ records.</u></p> <p>Authenticated copy.</p> <p>21st December, 2011. (tr)</p> <p>Sd/- Kurian Joseph, C.J. Sd/- Rajiv Sharma, J.</p> 