

Most Urgent
Personal Attention

PER(AP)-C-B(19)-3/96-VOL-VII
Government of Himachal Pradesh
Department of Personnel (AP-III)

Dated: Shimla-2, the

17th May, 2013

From

The Chief Secretary
Government of Himachal Pradesh

To

1. All the ACS/Pr. Secretaries/Secretaries to the Government of Himachal Pradesh
2. All Divisional Commissioners in Himachal Pradesh
3. All Heads of Departments in Himachal Pradesh
4. All Deputy Commissioners in Himachal Pradesh
5. All the Chairmen/Managing Director/Registrars/Secretaries of various Corporation/Boards/Universities etc. in Himachal Pradesh

Subject: - Special Leave Petition (Civil) No. 66-68 of 2008 – Narain Singh Chaudhary versus Ram Swarup Gupta and ors. etc. and Special Leave Petition (Civil) No. 8710 of 2009- R.K. Barwal & ors. versus State of H.P. & ors.

Sir,

I am directed to refer to the subject cited above and to say that the State Government in order to extend benefits and re-habilitation of the demobilized armed forces personnel and ex-servicemen has framed the rules namely; Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal State Non-technical Services) Rules 1972, Demobilized Indian Armed Forces Personnel (Reservation of vacancies in HPAS) Rules, 1974 and Ex-servicemen (Reservation of vacancies in Himachal Pradesh Technical Services) Rules 1985. The State Government has been providing the benefits to the Demobilized Armed Forces Personnel and Ex-servicemen under the provisions of these rules.

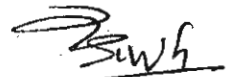
2. The Hon'ble High Court of Himachal Pradesh in its judgment dated 16.11.2007 in Civil Writ Petition No. 1352 of 2006 – Rajinder Singh & Ors. versus State of HP and ors. alongwith similar situated Civil Writ Petitions had quashed the provisions of rule 4(1) of the Demobilized Indian Armed Forces Personnel Rules, 1974. Further, the Hon'ble High Court of Himachal Pradesh in its judgment dated 29.12.2008 in Civil Writ Petition No. 488/2001 titled as V.K. Behal and others versus State of HP and others had read down and held the provisions of rule 5(1) of the Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal State Non-technical Services) Rules 1972, as unconstitutional.

P.T.O

3. The judgments delivered by the Hon'ble High Court of Himachal Pradesh in the above mentioned Civil Writ Petitions were challenged by the different parties in the Supreme Court of India by filing various Special Leave Petitions. Consequently, the Hon'ble Apex Court in Special Leave Petition (Civil) No. 66-68 of 2008 on 03.03.2008 and in Special Leave Petition (Civil) No. 8710 of 2009 on 16.03.2009 has passed interim order that status quo as of today may be maintained. The above mentioned Special Leave Petitions (Civil) filed in the matter have been tagged with each other.

4. In the light of the above interim orders of the Hon'ble Apex Court in Special Leave Petition (Civil) No. 66-68 of 2008 and in Special Leave Petition (Civil) No. 8710 of 2009, status quo may be maintained till further directions of the Hon'ble Court in the matter. In other words, the position as on the date of passing the interim orders has to be maintained and neither any further benefit may be allowed under the provisions of the rules ibid nor the benefits already granted may be withdrawn. The status quo order will be applicable with effect from 03.03.2008 in the cases of benefits under Demobilized Indian Armed Forces Personnel (Reservation of vacancies in HPAS) Rules, 1974. In the cases of Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal State Non-technical Services) Rules 1972, the status quo will be applicable from 16.03.2009, which will also be applicable in the case of Ex-servicemen (Reservation of vacancies in Himachal Pradesh Technical Services) Rules 1985.

5. These instructions may kindly be adhered to strictly and brought to the notice of all concerned.

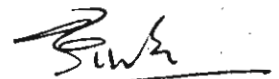


Under Secretary (Personnel) to the
Government of Himachal Pradesh

Ends. No. PER(AP)-C-B(19)-3/96-VOL-VII Dated: Shimla-2 the,
Copy is forwarded for information to: -

17th May, 2013

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Secretary, H.P. Vidhan Sabha, Shimla-4.
3. The Registrar, H.P. High Court, Shimla-1.
4. All Section Officers in H.P. Secretariat, Shimla-2.
5. Spare copies (100).



Under Secretary (Personnel) to the
Government of Himachal Pradesh
