

Anita Devi Vs. State of H.P. and Anr.

CWP No. 842 of 2026

08.01.2026 Present: Mr. Yogesh Kumar Chandel, Advocate, for the petitioner.

Mr. Raj Negi, Deputy Advocate General, for the respondents-State.

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Notice. Mr. Raj Negi, learned Deputy Advocate General, appears and waives service of notice on behalf of respondents and seeks time to file reply. Be filed, as prayed, within three weeks. Rejoinder thereto be filed within four weeks thereafter.

List for consideration on **10.03.2026**.

CMP No. 1185 of 2026

Heard.

It is the case of the petitioner that in pursuance of various judgments passed by this Court as well as Apex Court, consequential benefits were extended to the petitioner vide office order dated 14.11.2024 (Annexure P-5) in compliance to judgment dated 29.08.2024 in CWP No.8926 of 2024 (Annexure P-4).

However, now by referring “The Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024”, enacted by the Legislature of Himachal Pradesh, benefits extended to the petitioner have been

ordered to be withdrawn by issuing office order dated 18.12.2025 (Annexure P-7).

It has been submitted on behalf of the petitioner that benefits have been extended to the petitioner in compliance of judgment passed by competent Court which has attained finality after dismissal of SLPs preferred by the State in the Apex Court and, therefore, it is not permissible for the respondents to withdraw such benefits extended to the petitioner. It has been submitted by learned counsel for the petitioners-applicants that though the State has every right to enact from retrospective dates by declaring that what shall be law deemed to have been on a particular date, but the State has no right to render any judgment passed by the Court ineffective or to overrule the judgment passed by Competent Court after exercising its jurisdiction in accordance with law, as held by the Apex Court in *Janapada Sabha Chhindwara v. The Central Provinces Syndicate Ltd. and another*, (1970) 1 SCC 509.

It has been further submitted by the learned counsel for the petitioner-applicant that such an act is not only detrimental to the interest of the petitioner-applicant, but is also a contemptuous act.

There is a force in the contention of learned counsel for the petitioner-applicant and a prime facie case is made out for passing ad interim injunction against the respondents-State, as

prayed.

Accordingly, execution and implementation of Office Order dated 18.12.2025 (Annexure P-7) issued by Dy. Director of Elementary Education, Kangra at Dharamshala, HP. shall remain stayed during pendency of the Writ Petition. The application stands disposed of.

(Vivek Singh Thakur)
Judge

(Romesh Verma)
Judge

8th January, 2026
(sushma)