

Item No. D-10

Bal Krishan Vs. The State of Himachal Pradesh and others a/w connected matters.

CWP No. 7474 of 2022 a/w CWP Nos. 3750 of 2020, 9633 of 2023, 13527 of 2024, 14512 of 2024, 6693 of 2025 and COPC No. 94 of 2025.

30.07.2026

Present:

CWP No. 7474 of 2022

Mr. Abhimanyu Rathore, Advocate, for the petitioner.

Mr. Pranay Pratap Singh, Additional Advocate General, for respondents No.1 to 3.

Mr. Manohar Lal Sharma, Advocate, for respondent No.4.

Ms. Tim Saran, Advocate, for respondent No.5.

CWP No. 3750 of 2020

Mr. Vijay Kumar, Advocate, for Mr. Sanjeev K. Suri, Advocate, for the petitioners.

Mr. Pranay Pratap Singh, Additional Advocate General, for respondent No.1.

Ms. Tim Saran, Advocate, for respondent No.2.

CWP No. 9633 of 2023

Mr. Vijay Kumar, Advocate, for Mr. Sanjeev K. Suri, Advocate, for the petitioner.

Mr. Pranay Pratap Singh, Additional Advocate General, for respondents No.1 to 5.

Ms. Seema Kaushal Guleria, Advocate, for respondent No.6.

CWP No. 13527 of 2024

Mr. Hemant Kumar, Advocate, for the petitioner.

Mr. Pranay Pratap Singh, Additional Advocate General, for respondents No.1 to 5.

Ms. Seema Kaushal Guleria, Advocate, for respondent No.6.

CWP No. 14512 of 2024

Mr. Vijay Kumar, Advocate, for Mr. Sanjeev K. Suri, Advocate, for the petitioner.

Mr. Pranay Pratap Singh, Additional Advocate General, for respondent No.1.

CWP No. 6693 of 2025

Mr. Yogesh Kumar Chandel, Advocate, for the

petitioner.

Mr. Pranay Pratap Singh, Additional Advocate General, for the respondents-State.

COPC No. 94 of 2025

Mr. Abhimanyu Rathore, Advocate, for the petitioner.

Mr. Pranay Pratap Singh, Additional Advocate General, for the respondents-State.

Affidavit alongwith Annexure A-1 i.e. Consolidated data received from various Departments pertaining to service outsourcing in the last three years, has been filed. Annexure A-1 does not give the complete details, because the details of the total sanctioned posts have not been given and depicted as '0' at various places and similarly, the details of the vacant posts also have been depicted as '0'.

Counsel for the petitioner(s) pointed out from Page No. 738 in ***CWP No. 7474 of 2022***, titled ***Bal Krishan Vs. The State of Himachal Pradesh and others***, regarding the Staff Position Health and Family Welfare Department, that the total sanctioned strength of the said Department itself was 24188, whereas, in the annexure filed today, the total sanctioned strength of 46 Departments is shown as 30805.

It has also been brought to our notice that orders dated 18.05.2026 and 16.06.2026 as such, are now subject matter of Special Leave Petitions (Civil) No. 24618 of 2026 and 24619 of 2026, filed by the State and the following order was passed by the Apex Court on 27.07.2026:-

“Upon hearing the counsel the Court made the following

O R D E R

1. The petitioners challenge the orders dated 18.05.2026 & 16.06.2026 in CWP No.7474/2022 passed by the High Court of Himachal Pradesh at Shimla.

2. Issue notice, returnable on 31.08.2026.

3. Dasti service, in addition, is permitted. Let steps for service be taken within one week. Let the service of notice be also effect through the counsel representing the respondent before the High Court.

4. In the notice itself, let it be mentioned that respondent is required to file the counter affidavit and reply to the interlocutory application(s), if any, before the next date of listing.

5. In the interregnum, we issue the following directions:

(i) We direct the State to file its affidavit before the High Court, complete in all respects, within the next five (05) working days;

(ii) We request the High Court to take up the matter and decide the same on an expeditious basis, more so, in view of our earlier order dated 17.03.2025 in SLP © Nos.2982-2983 of 2025; and

(iii) We allow the State to complete the process of selection and appointment in terms of notification No.HFW- - 04/5/2025-Health-B-301504-Shimla-2 dated 06.11.2025, however, clarify that the same shall be subject to the outcome of the Writ Petition pending before the High Court,

and that the candidates selected/appointed shall be notified of such fact.”

It is thus apparent that inspite of getting directions from the Apex Court, the State has still not filed its complete affidavit, though it was directed to do so in five working days.

In such circumstances, we can only observe that the State as such, is behaving like a private litigant and buying time.

Accordingly, complete affidavit be filed by the State, before the next date of hearing, failing which, costs of Rs.50,000/- shall be imposed upon the State, to be deposited in the IGMC's Poor Patients Fund, Shimla.

List on **13.08.2026**.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

July 30, 2026
(Shivank Thakur)