



IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA

CWP No. 3530/2025
Decided on: 25.11.2025

Pawan Kumar

...Petitioner

Versus

State of H.P. & Ors.

....Respondents.

.....
Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the petitioner: Mr. Mandeep Chandel, Advocate.

**For the respondents: Mr. Rajat Choudhary, Assistant
Advocate General.**

Jyotsna Rewal Dua, J.

The case

1(a) Petitioner was appointed as Panchayat Sahayak on 25.06.1999. He was engaged as Panchayat Secretary (on contract basis) on 01.10.2009. On 19.08.2015, the respondents-State took a policy decision to regularize those Panchayat Secretaries, who had completed five years of contractual service. For implementing this decision in District Bilaspur, a meeting of District Level Committee was convened on 01.09.2015. The Committee considered the names of eligible Panchayat Secretaries for their regularization. Name of petitioner figured at serial No.8 of the list of eligible Panchayat Secretaries, who had completed five years or more service on

¹ *Whether reporters of the local papers may be allowed to see the judgment? yes*



contract basis by 31.03.2015 in District Bilaspur. Services of the petitioner, however, were not regularized on account of registration of FIR No. 62/2011 dated 15.11.2011 under Sections 466, 465, 471, 120B, 420 and 201 of the Indian Penal Code at Police Station Swarghat, District Bilaspur. The FIR in question pertained to alleged incorrect entry of date of birth in the official record, petitioner was one of the accused persons in the FIR. Due to pendency of the said FIR, the respondents kept the case of regularization of petitioner in sealed cover, to be opened and acted upon, on the basis of decision of the Court (Annexure R-3 dated 08.09.2015).

1(b) Admittedly, the respondents-Department did not initiate any disciplinary proceedings against the petitioner. In the criminal case, charges were not framed against the petitioner on the date of consideration of his case for regularization of his contractual services. Despite this, the respondents did not regularize petitioner's contractual services. This compelled the petitioner to institute **Gopala Ram & Another Vs. State of H.P. & Another**². The present petitioner was petitioner No.2 in the said petition, seeking quashing of the FIR No.62/2011. While allowing the prayer, the Court took cognizance of statement of the complainant that the petitioner had joined as Secretary of concerned Gram Panchayat in the year 2008, whereas the entry in the record had been made prior to petitioner's

² Cr.MMO No. 54/2019 decided on 26.12.2022



joining. The FIR was quashed and consequently, criminal proceedings initiated against the petitioners (therein) pursuant thereto were also quashed vide decision dated 26.12.2022.

1(c) The respondents-department moved a proposal on 07.07.2023 to open the sealed cover for acting upon the recommendations of the District Level Committee for regularizing the service of the petitioner as Panchayat Secretary. The sealed cover was accordingly opened by the respondents and vide office order dated 07.08.2023, petitioner was ordered to be regularized on notional basis w.e.f. 01.09.2015 and on actual basis from the date of issuance of order i.e. 07.08.2023.

2. Petitioner feels aggrieved as according to him, his services were required to be regularized on actual basis w.e.f. 01.09.2015 with all consequential basis.

3. Heard learned counsel for the parties and considered the case file.

4. There is considerable force in the submissions made on behalf of the petitioner. According to the respondents, the petitioner was eligible for regularization of his contractual service as Panchayat Secretary. The District Level Committee had accordingly made its recommendations on 01.09.2015. However, the recommendations were not given effect to and were kept in a sealed cover in view of the registration of FIR No. 62/2011 dated 15.11.2011 under Sections



466, 465, 471, 120-B, 420 and 201 of the Indian Penal Code at Police Station Swarghat, District Bilaspur, wherein petitioner was one of the accused persons.

It is well settled that without considering the gravity and nature of the offence, mere registration of criminal case/FIR, cannot be a ground for the competent authority to withhold the regularization. (Ref. **Deepa Vs. State of H.P. & Anr**³.) In the instant case, merely on the basis of registration of the FIR, and without forming any definitive opinion as to whether the gravity of the allegations levelled therein required keeping the recommendations of the District Level Committee concerning regularization of the petitioner's contractual services in a sealed cover, the respondents kept the said recommendations in a sealed cover. Be that as it may.

The petitioner had moved *Gopala Ram*² for quashing FIR No. 62/2011 dated 15.11.2011, registered under Sections 466, 465, 471, 120B, 420 and 201 of the Indian Penal Code at Police Station Swarghat, District Bilaspur. While allowing *Gopala Ram*², the Court duly noted the statement made by the complainant regarding the fact that the date of birth had been entered in the service record by a Secretary other than the petitioner. Admittedly, charges had not been framed against the petitioner at the time of consideration of his case by the District Level Committee. No departmental proceedings

³ CWP No. 10650/2023 decided on 20.03.2025



had been initiated against him. After the decision of *Gopala Ram*², the respondents regularized services of the petitioner as Panchayat Secretary, but only on notional basis from the due date i.e. 01.09.2015. This action cannot be countenanced in the given facts. It is otherwise not in dispute that the petitioner had been rendering his services as Panchayat Secretary throughout w.e.f. 01.10.2009. He was serving as Panchayat Secretary on 01.09.2015 and thereafter, though, on contractual basis. The respondents had wrongly denied regularization of petitioner's service and the actual monetary benefits due to him. Petitioner has now been regularized retrospectively from due date but on notional basis. In view of the quashing of the FIR in question, and there being no departmental proceedings against him coupled with the fact that the petitioner had been serving as Panchayat Secretary during the period in question, he is entitled to all actual benefits w.e.f. 01.09.2015. Accordingly, this writ petition is allowed. The respondents are directed to grant regular promotion to the petitioner as Panchayat Secretary on actual basis w.e.f. 01.09.2015 and to fix his pay accordingly. All consequences shall follow. This exercise be completed within six weeks. Pending miscellaneous application, if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

25th November, 2025_(rohit)