

Tek Chand & Ors. vs. State of H.P. & Ors.

CWP No.1116 of 2019

30.08.2025

Present: Mr. Rajnish Maniktala, Sr. Advocate with Mr. Dinkar Bhaskar, Advocate, for the petitioners.

Mr Anup Rattan, Advocate General with Mr. Raj Negi, Deputy Advocate General, for respondent No.1/State.

Mr. Shagun Sharma, Advocate, for proposed respondent No.2.

CMP No.11832 of 2025

In main petition, the Salaries, Allowances and other Benefits of the Chief Whip and Deputy Chief Whip in Legislative Assembly of Himachal Pradesh, Act, 2018, has been assailed and Mr. Narender Bragta, appointed as Chief Whip at that time was arrayed as respondent No.2. Later on, Mr. Narender Bragta did not remain Chief Whip, whereupon vide order dated 11.05.2022, his name was deleted and the then Chief Whip and Deputy Chief Whip Mr. Vikram Singh Jaryal and Mr. Kamlesh Kumar, were arrayed as respondents No.2 & 3. Now they are not holding the said offices, and, therefore, this application has been filed for their deletion and to implead Mr. Kewal Singh Pathania, who is presently Deputy Chief Whip.

Though order of appointment and recognition has not been assailed yet, however, the Act, 2018, on the basis of which, Allowances, Salaries and other Benefits etc. are being

extended to him, is under challenge and in case, petition is allowed, interest of proposed respondent shall be affected adversely and, therefore, we are of the considered opinion that even in absence of laying challenge to the appointment/recognition of the proposed respondent as Deputy Chief Whip, he is necessary party to the present case and accordingly, he is ordered to be arrayed as respondent No.2.

Application is allowed and disposed of in aforesaid terms.

CWP No.1116 of 2019

Respondent No.2, is duly represented by Mr. Shagun Sharma, Advocate, therefore, no fresh notice is required to be issued. He seeks three weeks' time to file Power of Attorney as well as reply to the petition. Be filed, as prayed, within three weeks.

List for consideration on 13.10.2025.

(Vivek Singh Thakur)
Judge

(Sushil Kukreja)
Judge

30th August, 2025
(reena)