

Dalip Singh vs. State of H.P. & Ors.

CWP No.2985 of 2026

13.03.2026 Present : Mr. Aditya Singh Thakur, Advocate, vice Mr. Virbahadur Verma, Advocate, for the petitioner.

Mr. Pawan Nadda, Additional Advocate General, for the respondents-State.

CWP No.2985 of 2026

Notice. Mr. Pawan Nadda, Additional Advocate General, appears, waives and accepts notice on behalf of the respondents. Reply, as prayed, be filed within two weeks.

List for consideration on **01.04.2026**.

CMP No.4271 of 2026

It is the case of the petitioner/applicant that in pursuance of various judgments passed by this Court as well as Apex Court, benefit of regularization was extended to the petitioner/applicant in pursuance to the judgment dated 02.12.2024 (Annexure P-2) passed in CWP No.12484 of 2024 and vide order dated 27.03.2025 (Annexure P-3).

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2024*", enacted by the Legislature of Himachal Pradesh, benefits extended to the petitioner have been ordered to be withdrawn by issuing office order dated 23.02.2026 (Annexure P-4).

It has been submitted on behalf of the petitioner/ applicant 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 petitioner-applicant 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 the learned counsel for the petitioner-applicant and a, *prima facie*, case is made out for passing *ad interim* injunction against the respondents-State, as prayed.

Accordingly, execution and implementation of Office Order, order dated 23.02.2026 (Annexure P-4) issued by respondent No.3 shall remain stayed during pendency of the Writ Petition. Addition/alteration/vacation, on motion.

The application stands disposed of.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

13th March, 2026
(Pardeep)