



**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

CWP No.5059 of 2014
Decided on: 10.04.2026.

Jagdish Sharma

...Petitioner

Versus

State of Himachal Pradesh
& Others

...Respondents

Coram

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹*Whether approved for reporting?.*

For the petitioner: Mr. C.N. Singh, Dr. Nidhi Singh and Mr. Anshul Gandhi, Advocates.

For the respondents: Mr. Ramakant Sharma, Additional Advocate General.

Ranjan Sharma, Judge [Oral]

Petitioner, Jagdish Sharma, has come up before this Court seeking *the following reliefs*:

“(i). Issue writ of mandamus, certiorari or other writ order or directions as this Hon'ble Court deems fit and proper for quashing the order dated 12.12.2012 (Annexure P-letter dated 19.10.2011 i.e. (Annexure P-8) for all intents and purpose.

(ii). Issue writ of mandamus or other writ, order or directions as this Hon'ble Court deems fit and proper for direction to the respondent-department to consider the case of the petitioner for grant of whole time status w.e.f. the year 2022 and

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*



thereafter for regularization/promotion on the Class-IV post w.e.f. 2003 as was done in the case of similar situated persons along with all consequential benefits.

(iii). In alternative in case of prayer No.1 to 3 are not granted in favour of the petitioner than, issue writ of mandamus or other writ, order or directions as this Hon'ble Court deems fit and proper for direction to the respondent-department to consider the case of the petitioner for grant of daily wage status to the petitioner w.e.f. 01.01.2007 and thereafter consider the case of petitioner for regularization after completion of 8 years of regular daily wage service."

2. After hearing the parties, this Court had passed an order on 27.12.2026, which reads as under:-

" Heard for some time.

Based on Prayer Clause-18 (iii), Learned Counsel for the petitioner has prayed for granting the daily wage status from the date of completion of 10 years' Part-Time Service reckonable from 03.11.1997 w.e.f. 03.11.2007 and thereafter to grant the resultant regularization from the date of completion of 8 years of daily waged service.

2. Learned Counsel for the petitioner points out that even in terms of Reply-Affidavit states that as per the judgment passed by this Court in CWP No.3310 of 2010, Leela Devi v. State of Himachal Pradesh, decided on 12.12.2017 and the Instructions dated 23.08.2012, the Part-Time Water Carriers are entitled for



being brought on daily wages on completion of 10 years and regularization after 8 years of daily wage service. He submits that petitioner was appointed as Part-Time Water Carrier on 03.11.1997 and the petitioner deserves to be conferred daily wage status from date of completion of 10 years of Part-Time Service w.e.f. 03.11.2007; and the petitioner is entitled for regularization from date of completion of 8 years of regular service w.e.f. 03.11.2015, whereas, the petitioner stands regularized on 07.10.2016 by the State Authorities.

3. Learned Counsel for Respondents-State states that regularization can be against sanctioned post and petitioner may have a claim in case any junior was regularized prior to him.
4. Faced with this situation, Learned Counsel for the petitioner prays for an adjournment to have Instructions in the matter.

As prayed, list this matter on 10.04.2026.”

3. Pursuant to the orders passed by this Court on 27.02.2016, Learned State Counsel places on record, Instructions dated 07.04.2026, as imparted to him by Director of Higher Education, Himachal Pradesh, whereby the petitioner has been held entitled for regularization from 05.11.2015 instead of from 07.10.2016, on the analogy of *CWP No.5383 of 2014*, titled *Batti Devi versus State of H.P. & Others* along with other connected matters.

4. Learned Counsel for the petitioner submits



that the petitioner shall be satisfied in case, the respondents issue necessary orders for granting retrospective regularization to the petitioner from 05.11.2015 instead of 07.10.2016.

5. In above backdrop, the instant matter is disposed of, in the following terms:

- (i). Based on Instructions dated 07.04.2026, (*supra*) Respondent No.6-Director of Higher Education, Himachal Pradesh, is directed to issue necessary orders for giving retrospective regularization to the petitioner as Peon-cum-Chowkidar w.e.f. 05.11.2015 instead of 07.10.2016;
- (ii). Consequent upon the issuance of orders of retrospective regularization; Respondents shall grant all service benefits, including pay-fixation, seniority and other admissible consequential benefits, if any, in accordance with law; within two months from today;
- (iii). Parties to bear respective costs.

In aforesaid terms, the writ petition and all pending miscellaneous application(s), if any, shall also stand disposed of.

(Ranjan Sharma)
Judge

April 10, 2026
[Shivender]