

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

CWP No. 2848 of 2019

Decided on: November 27, 2025

Romesh Chander Thakur

...Petitioner

Versus

Municipal Corporation, Shimla

...Respondent

*Coram:***Ms. Justice Jyotsna Rewal Dua, Judge**¹ *Whether approved for reporting?*For the petitioner : Mr. Sanjeev Bhushan, Senior Advocate with
Mr. Sparsh Bhushan, Advocate.For the respondent : Mr. Mukul Sood, Advocate.

Jyotsna Rewal Dua, Judge

Petitioner was working as Supervisor in the respondent-Corporation. He instituted an Original Application (OA No. 2015 of 2002) before the erstwhile Himachal Pradesh State Administrative Tribunal seeking directions to the respondents to regularize his services as Supervisor on completion of requisite number of years of service. The said Original Application was disposed of by this Court on 09.08.2011 as CWP(T) No. 8810 of 2008. Respondents were directed to regularize the

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



petitioner as Supervisor on completion of requisite number of years of service to be counted from 16.04.1993. Petitioner on such regularization was held entitled to salary from the date of regularization in regular pay scale.

Petitioner thereafter instituted Civil Writ Petition No. 2521 of 2012 with the grievance that he had not been accorded benefit of regularization from 31.03.2004 on which date he statedly had completed the eligibility criteria. The writ petition was disposed of on 18.09.2014 as under:-

“... .. It is ordered that in case on 31.03.2004 or earlier the petitioner has completed the requisite period of qualifying service, he is held accordingly entitled for regularization subject to availability of a vacancy. Consequential benefits, if any, within the parameters as accruable shall be given to the petitioner within three months.”

Respondent instituted Letters Patent Appeal No. 55 of 2015 against the above decision. The Letters Patent Appeal was dismissed on 07.04.2016 with the rider that payment of arrears would be restricted for three years prior to filing of the writ petition. The operative portion of the decision is as under:-

“3. Viewed thus, there is no illegality in the judgment impugned in the instant appeal and the same is upheld.

4. However, it is made clear that the payment of arrears is restricted for three years prior to filing of the writ petition, following the decisions of the Apex Court in *Jai Dev Gupta vs. State of Himachal Pradesh and another*, reported in AIR 1998 SC 2819,



Union of India and others vs. Tarsem Singh reported in (2008) 8 SCC 648 and in *Asger Ibrahm Amin vs. Life Insurance Corporation of India*, reported in JT 2015 (9) SC 329.”

Respondents implemented the above judgment and passed Office Order on 21.07.2016.

2. Petitioner preferred Review Petition No. 15 of 2018 seeking review of the judgment dated 07.04.2016 passed in LPA No 55 of 2015 on the ground that three years restriction of arrears is required to be counted from the date of filing of CWP(T) No. 8810 of 2008 (OA No. 2015/2002). Petitioner prayed for review of the order to the extent that arrears have been wrongly restricted by the respondents for three years preceding filing of CWP No. 2521 of 2012. The Review Petition was dismissed on 03.05.2018. For alleged grievance of restricting the arrears to three years by the respondents from the date of institution of CWP No. 2521 of 2012, petitioner had instituted COPC No. 159 of 2017. The Court did not find favour with the petitioner's assertion and the contempt petition was disposed of on 30.08.2017 as the judgment in question stood implemented.

3. Learned Senior Counsel for the petitioner has confined his submission for seeking relief of grant of arrears from three years prior to filing of CWP(T) No. 8810 of 2008 (OA No. 2015/2002).

4. In view of orders passed by the Hon'ble Division Bench of this Court on 07.04.2016 in LPA No. 55 of 2015, the order dated 03.05.2018 in Review Petition No. 15 of 2018 & order dated 30.08.2017 passed in



COPC No. 159 of 2017, relief claimed cannot be granted to the petitioner. The petitioner is trying to re-open the issue which has attained finality. Hence, there is no merit in this petition which is accordingly dismissed. Pending miscellaneous application(s), if any, to also stand disposed of.

**Jyotsna Rewal Dua,
Judge**

November 27, 2025 (PK)