

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 9505 of 2026

Date of decision: 16.6.2026

Smt. Poonam.

...Petitioner.

Versus

State of H.P. & Another.

...Respondents.

Corum

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?¹

For the Petitioner.

***Mr. Rajesh Kashyap Advocate, vice
Mr.Dheeraj K. Verma, Advocate.***

For the Respondents:

***Mr.Ramakant Sharma, Additional Advocate
General.***

Vivek Singh Thakur, Judge

Present petition has been filed seeking following substantial
reliefs:-

“i. That this Hon'ble Court may kindly issued a writ of Certiorari or any other appropriate writ of similar nature, thereby quashing the provision of Section 6, 7 and 8 of THE HIMACHAL PRADESH RECRUITMENT AND CONDITIONS OF SERVICE OF GOVERNMENT EMPLOYEES ACT,

¹***Whether the reporters of the local papers may be allowed to see the Judgment? Yes***

2024 being unconstitutional, arbitrary and against the principal of natural justice.

ii. That this Hon'ble Court may kindly issue a writ of Certiorari or any other appropriate writ of similar nature, thereby quashing the office order No. HFW-H(I)B(6)143/91 (Court Case) dated 19-03-2025 *ANNEXURE P-12* whereby the representation of the petitioner was rejected.

iii. That this Hon'ble Court may kindly issue a writ of mandamus or any other appropriate writ of similar nature, directing the respondent department to regularize the service of the petitioner as Staff Nurse from the date petitioner was initially appointed on the said post on contractual basis in the month of January 2006, alongwith all the consequential and financial benefits. ”

2. Petitioner in this petition is seeking regular appointment from the initial date of her appointment, in view of the provisions of the Rights of Persons with Disabilities (RPwD) Act, 2016 and also in terms of judgment passed by this Court as well as the Apex Court in ***CWP(OA) No. 1077 of 2019***, titled ***Nitin Kumar vs. State of Himachal Pradesh and another***, ***CWP No. 5090 of 2022***, titled ***Umesh Jaswal and State of H.P. along with connected matter*** and ***CWP No. 4299 of 2019***, titled ***Pushpa Devi and others vs. Himachal Pradesh University***.

3. The claim of the petitioner has been rejected vide impugned order dated 19.3.2025 (Annexure P-12) on the basis of provisions of the Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024.

4. Admittedly, the Employees Act has been quashed and set-aside by Co-ordinate Bench of this Court, vide judgment dated 25.04.2026 passed in ***CWP No.3361 of 2025*** titled '***Devinder Kumar & Others vs. State of H.P. and Others alongwith connected matters***', wherein, it has been observed as under:-

"2. In all these petitions, the petitioners are mainly aggrieved by the enactment of the Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 (Act No. 23 of 2025) (in short '**Govt. Employees Act**'/the Act/the impugned Act).

3. In this common judgment, we are adjudicating only the constitutionality, validity, and legality of the Govt. Employee Act. For other reliefs, the consequences shall follow accordingly, and in case any further relief(s) is/are required to be determined after adjudication of additional facts, not discussed or adjudicated or covered in this judgment, the petitioners shall be at liberty to avail appropriate remedies, including the filing of fresh petitions for redressal of grievance based on such other issues raised or not raised in these petitions.

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202. Accordingly, in view of above discussion and considering the ratio of law laid down by the Apex Court, the impugned Act is quashed and set aside.

203. In view of quashing of the impugned Act, all consequential action, omission and commission of the respondents-State and its functionaries, based on the impugned Act, are declared illegal, unconstitutional and nullify, and resultantly orders/rejection/directions, withdrawal, denying benefits or proposing recovery of already granted reliefs, based on the impugned Act, in conflict with the mandate of the Court are also quashed and set aside and competent authority(ies) is directed to ensure

extension of benefits to the employees in terms of judgments passed by the competent Courts, latest by three months from today by issuing appropriate orders, if so required, in consonance with the Constitutional mandate and verdict of the Court(s).”

5. Finding, returned in CWP No. 3361 of 2025 titled Devinder Kumar & others vs State of HP and others, shall be applicable *mutatis mutandis* to present matters to all intents and purposes.

6. Consequently, impugned office order dated 19.3.2025 (Annexure P-12) rejecting the claim/prayer of the petitioner in view of Government Employees Act also stands quashed and set aside with direction to the competent Authority to decide the same afresh by taking into consideration the provisions of the Act and the judgments relied upon by the petitioner(s) supra by passing a speaking and reasoned order on or before **31.07.2026**, after giving opportunity of being heard, if so desired.

7. Decision so taken shall be immediately supplied to the petitioner.

8. Needless to say that for redressal of any surviving grievance, petitioner shall be at liberty to avail appropriate remedy by raising all issues already raised in this petition, or not raised in this petition, for adjudication of the same in accordance with law.

9. Accordingly, this petition is also disposed of in aforesaid terms. Pending miscellaneous application(s), if any, also stand disposed of in same terms.

***(Vivek Singh Thakur),
Judge.***

***(Ranjan Sharma),
Judge.***

***16th June, 2026
(Keshav)***