

Reena Devi & Ors. Vs. State of Himachal Pradesh & Ors.

CWP No. 6786 of 2026

06.05.2026 *Present:* M/s. Vikrant Thakur, Sushant Vir Singh Thakur & Shubham Singh Guleria, Advocates, for the petitioners.

Mr. J.S. Guleria, Deputy Advocate General, for respondents No. 1, 3 to 5-State.

Mr. Surinder Kumar Sharma, Advocate, for respondent No. 2-State Election Commission.

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Notice. Mr. J.S. Guleria, learned Deputy Advocate General & Mr. Surinder Kumar Sharma, Advocate, appear and waive service of notice on behalf of respondents No. 1, 3 to 5-State and respondent No.2-State Election Commission, respectively. They pray for and are granted two weeks time to file reply.

List for consideration on **01.06.2026**.

CMP No. 9840 of 2026

Notice in the aforesaid terms.

The grievance of the petitioners is that, vide communication/clarification dated 02.05.2026 (Annexure P-1), ASHA Workers have been considered to be engaged on a part-time basis with a fixed monthly honorarium along with performance-based incentives and, therefore, have been disqualified from being chosen as office bearers of Panchayats under Section 122(1)(g) of the Himachal Pradesh Panchayati Raj Act, 1994.

It is the case of the petitioner that reliance has been placed on Memo dated 16.10.2014, issued to one ASHA Worker to work under certain conditions, wherein Section 2 stipulates that

“ASHA worker shall not be paid any honorarium by the Government Department, but shall only be given work-based incentives in terms of amount.”

Learned counsel for the petitioners has also referred to the Guidelines on Accredited Social Health Activists (ASHA), wherein Clause 9 provides for compensation to ASHA, which reads as under:-

“ASHA would be an **honorary volunteer** and would not receive any salary or honorarium. Her work would be so tailored that it does not interfere with her normal livelihood.”

Learned counsel for the petitioners has also referred to an earlier communication/guideline dated 15.09.2019 (Annexure P-5), issued under the signature of the Additional Director, Panchayati Raj Department, Himachal Pradesh, regarding ASHA workers who are elected representatives of Panchayati Raj Institutions, wherein it has been clarified by the Panchayati Raj Department itself that, as per the Government of India Guidelines, an ASHA is a voluntary activist working on performance-based incentives as per Government of India norms, and she is neither a part-time nor a contractual/regular Government servant and is not paid a fixed salary. Therefore, an ASHA worker cannot be disqualified from being an office bearer of the Panchayat.

Learned counsel for the petitioners, to substantiate his plea, has also placed reliance upon the judgments of the Hon'ble Apex Court, titled *Anokh Singh vs. Punjab State Election Commission*, reported as (2011) 11 SCC 181; *State of Karnataka vs.*

Ameerbi, (2007) 11 SCC 681; and *Shivamurthy Swami Inamdar vs. Agadi Sanganna Andanappa*, (1971) 3 SCC 870.

Considering the submissions made by learned counsel for the petitioners and the material placed on record, a prima facie case is made out in favour of the petitioners for granting interim protection, as prayed. Accordingly, the communication/clarification dated 02.05.2026 (Annexure P-1) is ordered to be stayed till further orders.

List for consideration along with main petition on next date.

CMP No. 9841 of 2026

Allowed. The applicants/petitioners is exempted from filing the translated copy of the Annexure P-2 (Colly.) at this stage, subject to filing of the same within seven days, as and when directed to do so.

The application stands disposed of.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

06th May, 2026
(Shamsh Tabrez)