

Devaki Nandan vs. State of H.P. & Ors

CWP No. 5943 of 2023

06.11.2023 Present: Ms. Suman Thakur, Advocate, for the petitioner.

Mr. B.C. Verma, Additional Advocate General for the respondent No.1 & 2.

Mr. Vishal Thakur, Advocate, for respondent No.3.

In terms of the order dated 5.10.2023, on application having been allowed, the Respondent No.3 was impleaded as party-respondent with directions to file the reply within two weeks. On 2.11.2023, the Respondent No.3 was again granted two weeks time to file the reply.

However, a request was made by learned counsel for the petitioner for preponing the matter and accordingly the same has been listed for today. Learned Counsel vehemently submits that the petitioner has been given breaks by the Respondents No. 1 to 3 and she relies upon a judgment passed by this Court in **CWP No. 6391 of 2022, titled as Gurdeep Singh vs. State of Himachal Pradesh & Anr.**, Annexure P-7, in support of her contentions stating that the factum of giving artificial breaks to the petitioner in aforesaid case, has been deprecated; and she further submits that the petitioner, is similarly placed, to that of **Gurdeep Singh** (supra).

3. Per contra, Mr. Vishal Singh Thakur, learned counsel for the Respondent No.3, at this stage states, that the petitioner is not being given breaks whereas; his employment is coterminous with the availability of working

with Respondent No.3. Accordingly, he prays for time to file reply to the writ petition.

In view of above, this Court permits the Respondent No.3 to file the reply within a week and the petitioner for interim shall be considered on merits, after filing of reply. Accordingly, let reply be filed by respondent No.3 within two weeks.

CMP No. 11407 of 2023

Heard. Let English version of Annexure be filed within above period. Application stands disposed of.

(Ranjan Sharma)
Judge

6th November, 2023
(himani)