

Court on its own motion Vs. Jashwant and Others.

Item No. (P-1)

**CMP No.11942 of 2026 in
CWPIIL No.278 of 2017**

21.05.2026

Present: Mr. Deven Khanna, Advocate, as Amicus Curiae.

Mr. Arsh Rattan, Deputy Advocate General, for respondents No.1 & 2-State.

Mr. Mukul Sood and Mr. Vivek Sharma, Advocate, for applicant in CMP No.11942 of 2026 and respondent No.3-MC, Shimla in CWPIIL No.278 of 2017.

Mr. Dhiraj Thakur, Advocate, for respondent No.5.

CMP No.11942 of 2026

The present application under Rules 4, 7 & 13 of Part "C" of Himachal Pradesh High Court Writ Rules has been filed and listed today, on account of making of the mention as such on the ground of the urgency of situation, by Mr. Mukul Sood, Advocate, for applicant/respondent No.3-MC, Shimla.

2. Counsel for applicant/respondent No.3-MC, Shimla submits that the said application has been filed for declaring the strike notice dated 30.04.2026 (Annexure A-I) as illegal and the said application has been filed in a disposed of case i.e. CWPIIL No.278 of 2017 titled as ***Court on its own motion Vs. State of Himachal Pradesh & others***, which was initially disposed of by

order dated 06.03.2018. But thereafter, various orders have been passed including the order issuing contempt notice to respondent No.1-President-SEHB Employee Union and tendering the unconditional apology by the said respondent which was accepted way-back on 17.05.2018.

3. In the application, it has been averred that strike notice dated 30.04.2026 (**Annexure A-1**) issued by respondent Nos.1 and 2 to the Commissioner, M.C. Shimla is the violation of the orders dated 05.05.2018, 03.12.2020 and 27.03.2024 passed by this Court earlier and certain directions accordingly are sought including initiation of contempt proceedings and directions to the Deputy Commissioner, Shimla and the Superintendent of Police to enforce the orders.

4. A perusal of the notice dated 30.04.2026 (**Annexure A-1**) would go on to show that apparently on termination of 10% annual salary increase and 15 days special leave, without any prior notice, the strike notice has been called for, whereby it has been mentioned that all the workers are forced to go on indefinite strike from 15.05.2026.

5. Counsel for applicant/respondent No.3-MC, Shimla has submitted that talks had taken place with the

Union and the hike in salary could only be made according to the Consumer Price Index/Dearness Allowance on the analogy of the Government employees from time to time and the issue of enhancement of 7 more special casual leaves apart from the regular entitled leaves is being adhered to and the list of demands as such, which had been accepted, have been mentioned in paragraph 6(a) of the application.

6. It is thus pointed out that tourist season has already started and the uncollected garbage if allowed to accumulate, will cause immediate and severe reputational damage to the city and the State, leading to the loss of revenue to hoteliers, shopkeepers and the hospitality industry and such waste attracts stray animals, which are vectors for deadly diseases, and the threatened indefinite strike from 15.05.2026 will directly endanger the lives and health of lakhs of the residents of Shimla.

7. Keeping in view the fact that similar directions were already issued and the fact that the grabage/municipal solid waste cannot be allowed to remain uncollected within the city and has to be collected and disposed of, in accordance with law, at the earliest and the fact that the steps can be taken under the Himachal Pradesh Essential Services (Maintenance) Act,

1973, we are of the considered view that the city cannot be ransom to any such strike. Accordingly, we direct:-

(A). The workers engaged by the SEHB Society shall immediately resume work and discharge their duties, for which they stand engaged;

(B). The Deputy Commissioner, Shimla, the Superintendent of Police, Shimla and the Commissioner, Municipal Corporation, Shimla are directed to forthwith communicate the order to all the employees and ensure compliance.

(C) We clarify that if anyone of the workers fails to discharge his/her duties, it would not only amount to committing contempt of Court, but it shall be open for the Municipal Corporation/Society to forthwith terminate their services and re-engage fresh hands for disposal of Municipal Solid Wastes.

(D) Any hindrance/obstruction caused by any person in the enforcement of our orders, shall be liable to be proceeded under the provisions of the Contempt of Court Act; and

(E) It shall be open for the Superintendent of Police, Shimla to take action, forthwith in accordance with law, including detaining such persons, who obstruct or cause hindrance in the enforcement of provisions of law, if the situation so warrants.

9. Let the Deputy Commissioner, Shimla, the Superintendent of Police, Shimla, the Commissioner, Municipal Corporation, Shimla and the Member Secretary,

H.P. State Pollution Control Board shall file their affidavits of compliance by the next date of hearing.

10. We further make it clear that if there is any hindrance, it will be open to the Police Authorities to take adequate steps to prevent any law and order problem.

11. Needless to say that it is open to the applicant-petitioner to give consideration of the demands of the Unions and this order shall not be a foreclosure to the right of the said Union on this aspect.

12. Issue notice to non-applicants/respondents No.1 to 3, returnable for **01.06.2026**.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

21st May, 2026
(Munish Thakur)