



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.6947 of 2022

Reserved on: 27.10.2025

Date of Decision: 07.11.2025

Ashok Kumar & Ors.		Petitioners
	Versus	
State of Himachal Pradesh & Ors.		Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.*Whether approved for reporting?* ¹ Yes.

For the Petitioners:	Mr. Ajay Sharma, Senior Advocate with Mr. Tarun K. Brakta, Advocate.
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For the Respondents:	Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Additional Advocates General, Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondents-State.
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Mr. Rajesh Kashyap, Advocate, for respondents No.3 to 5.

Sandeep Sharma, Judge(oral):

Through instant petition, challenge has been laid to order dated 04.07.2022 passed by Commissioner Temple Chintpurni-cum-Deputy Commissioner, Una, District Una, Himachal Pradesh, whereby representation having been filed by the petitioners for regularization, in terms of order dated 06.05.2022 passed by Division Bench of this Court in Review Petition No.137 of 2021, titled as **Ashok Kumar & Ors. Vs. State of Himachal Pradesh & Ors.**, came to be rejected.

2. Precisely, the facts of the case, as emerge from the pleadings adduced on record by the petitioners are that petitioners have

¹Whether the reporters of the local papers may be allowed to see the judgment?



been serving in *Mata Chintpurni Temple as Langar Sevadars, Mandir Sevadars* and Electricians for the last 15 to 16 years, but yet their request for regularization was not considered on one pretext or the other. Though representations made by the petitioners were forwarded to office of Commissioner (Temple), *Chintpurni* by the Temple Officer, but since no action was taken upon the same, petitioners filed CWP No.3925 of 2019, which was dismissed, vide judgment dated 22.09.2021 (Annexure P-3) on the premise that services of a *Sevadar* are gratuitous in nature. Though petitioners filed Review Petition No.137 of 2021, but same was dismissed. However, Division Bench of this Court permitted petitioners to file representation for redressal of their grievance with a direction to the respondents to decide the same, uninfluenced by the earlier order(s), more particularly, the order passed in CWP No.3925 of 2019.

3. In the afore background, petitioners submitted a representation dated 11.05.2022 to the Deputy Commissioner-cum-Commissioner, *Mata Shree Chintpurni-Temple Trust, Una, District Una, Himachal Pradesh* (Annexure P-4), but the afore authority, vide impugned order dated 04.07.2022, rejected the same on the ground that petitioners were neither temporary nor casual employees, as such, their prayer for regularization cannot be accepted. In the afore background, petitioners have approached this Court in the instant proceedings, praying therein for the following main reliefs:-

“i. That impugned orders (Annexure P-8) being bad in law may very kindly be quashed and set aside with directions to the respondents



to immediately and forthwith engage the petitioners as Sevadars in the Trust and regularize their services with all consequential benefits of pay, seniority etc.

ii. Respondents may very kindly be directed to regularize the services of the petitioners on their having completed 8 years of regular service with 240 days in every calendar year from the date of completion of the same or in any eventuality, in the alternative it is submitted that respondents may very kindly be directed to do the same with effect from 2019, when petitioners filed Writ Petition."

4. Pursuant to notices issued in the instant proceedings, respondents No.1 to 5 have filed reply under the signatures of Temple Officer, *Chintpurni*, District Una, Himachal Pradesh, wherein an attempt has been made to refute the claim of the petitioners on the ground that petitioners have not approached this Court with clean hands, as such, writ petition is barred by principle of *suppressio veri* and *suggestio falsi*. It has been further averred in the reply that none of the petitioners was working in the Temple Trust-*Mata Shri Chintpurni* nor they have been engaged by Temple Officer, *Mata Shri Chintpurni* Trust, District Una, which fact is otherwise evident from the averments contained in the petition as well as documents adduced on record by the petitioners.

5. By way of filing rejoinder to the reply filed by respondents No.1 to 5, petitioners have reiterated that for the last 15 to 16 years, they have been working at *Mata Chintpurni Temple* as *Langar Sevadars*, *Mandir Sevadars* and Electricians. To substantiate their afore claim, they have placed on record certain documents received by them under Right to Information Act suggestive of the fact that they were assigned duties



of various works in the temple premises by the care taker/Temple Officer of the temple. One bank statement has also been placed on record suggestive of the fact that sum of Rs.2500/-, which was subsequently enhanced, was being paid to person namely Kuldeep Chand.

6. Mr. Ajay Sharma, learned Senior Counsel representing the petitioners, while making this Court peruse documents adduced on record along with rejoinder, vehemently argued that respondents have filed false affidavit before this Court, as such, they need to be dealt with in accordance with law. He submitted that as per the documents received by the petitioners under the Right to Information Act, petitioners have been discharging their duties diligently to the utmost satisfaction of the Temple Trust for the last 15 to 16 years. He submitted that copy of receipt placed on record clearly reveals that petitioner No.3 was appointed to collect money in lieu of receipts, as per provision of Trust (available at pages 110 and 111 of the petition). He further submitted that during visit of Hon'ble Chief Minister to the *Chintpurni* Temple, office order was issued by the Temple Officer that leave of any kind will not be given to the employees of the Trust on 04.11.2018 and 05.11.2018 and thereupon signatures of S/s Dinesh, Ashok Kumar, Kuldeep Chand and Kalyan Singh were also taken (available at pages 112 and 113 of the petition). While referring to the document available at page 114 of the paper book, Mr. Sharma submitted that upon the representation made by the petitioners, the Pradhan, Poojari, Baridar and another dignitary of the Trust affixed their signatures, thereby affirming the fact that the



petitioners are very much working in the trust. He also invited attention of this Court to document available at page 115 of the paper book, whereby Pradhan of the Gram Panchayat, Nari, Chintpurni certified the contentions raised by the petitioners. He also invited attention of this Court to the photocopies of the identity cards of the petitioners issued by the Temple Trust (available at page 118 onwards). He further submitted that petitioners have been discharging their duties diligently, but yet for no cogent and convincing reason, their services were not regularized. He also invited attention of this Court to the documents adduced on record at pages 121 and 122 of the paper book to state that during the *Navratra* fare at *Chintpurni*, Temple Officer issued orders that no leave will be granted and signatures of the petitioners were also taken on such memorandum. Lastly, Mr. Sharma, invited attention of this Court to Annexure P-14 (available at page 125 of the paper book) to state that payments were made to one of the petitioners namely Kuldeep through bank. Mr. Sharma, further submitted that though by way of filing reply to the petition, respondents have attempted to set up a case that no muster roll was ever issued to the petitioners, but in similar facts and circumstances, Temple Trust, while complying with the judgment passed by Principal Division Bench of this Court in CWP No.4657 of 2014, titled as ***Jagdish Chand & others Vs. State of H.P. & others***, regularized the services of S/s Jagdish Chand, Sanjeev Kumar, Sandeep Kumar, Balraj, Sita Ram, Trilok Chand and Neelam Kumari. He submitted that save and except Jagdish Chand, no muster roll was ever issued in the name of



persons detailed hereinabove. To substantiate his aforesaid claim, he invited attention of this Court to document adduced on record (available at page 108 of the petition), wherein Mr. Jagdish Chand, one of the petitioners in CWP No.4657 of 2014, is shown to have been working on daily wage basis. He further submitted that respondents have regularized S/s Pankaj, Rajeev and Rajesh, in whose favour no muster roll was ever issued, rather they were also working like petitioners.

7. To the contrary, Mr. Anup Rattan, learned Advocate General representing the respondents/State and Mr. Rajesh Kashyap, Advocate representing the respondent/Temple trust, vehemently argued that present petition deserves outright dismissal on the ground of suppression of material facts. They submitted that petitioners have not approached this Court with clean hands, rather they have attempted to conceal material facts with regard to their engagement in Temple Trust. Learned counsel representing the respondents, as detailed hereinabove, submitted that petitioners were never appointed by Temple Trust, rather they of their own volition and on the request of pilgrims, had been rendering their services in the Temple. While refuting the contention of learned Senior Counsel for the petitioner that duties were being assigned to the petitioners by Temple Officer or care taker of the temple, Mr. Anup Rattan, learned Advocate General, vehemently argued that no cogent and convincing evidence qua the same has been placed on record. He submitted that mere placing on record documents alleged to have been received by the petitioners under Right to Information Act cannot negate



the findings recorded by the Commissioner, Temple Trust, while passing impugned order on the representation filed by the petitioners. Bare perusal thereof clearly reveals that afore authority, after having perused record, which was made available by the Temple Officer on 16.06.2022, arrived at a conclusion that persons in CWP No.4657 of 2014 were engaged as labourers on daily wage basis by the Temple Trust in the year 1991 and they were paid wages through muster rolls, formally verified by Junior Engineer of the Temple, for carrying out specific project works and subsequently, they were relieved of their duties on completion of works in 1996. Those labourers filed a case against the Temple Trust before the Labour Court and the Labour Court passed an award for their engagement. Though Temple Trust filed CWP No.1301 of 2005 against afore award, but during the pendency of proceedings, six of those labourers were allowed to rejoin by the then Commissioner (Temple). Those employees, who were engaged on muster roll basis, were lateron regularized by Temple Trust on the order of this Court passed in CWP No.4657 of 2014. He further submitted that record produced by Temple Officer before Commissioner, Temple Trust nowhere suggests that petitioners were ever given appointment by the Temple Trust or Temple Officer, rather they of their own volition or on the askances of pilgrims, had been rendering their services in the temple premises. Lastly, Mr. Anup Rattan, learned Advocate General, argued that present petition is not maintainable, in view of judgment dated 22.09.2021 passed by Division Bench of this Court in CWP No.3925 of



2019, titled as ***Ashok Kumar & Ors. Vs. State of Himachal Pradesh & Ors.***, whereby similar prayer, as has been made in the instant petition, was rejected by Division Bench of this Court. He submitted that similar relief was claimed by the petitioners in afore Civil Writ Petition and Division Bench of this Court, while negating the submissions made at the behest of the petitioners that they were engaged by the Temple Officer, *Mata Chintpurni Temple Trust* as *Sevadars*, returned a positive finding that hundreds of persons like petitioners offer their services free of charge in a renowned pilgrimage like *Mata Chintpurni*. He submitted that Division Bench of this Court categorically held in afore judgment that documents accompanying the petition nowhere suggest that petitioners were engaged by Temple Trust, rather same clearly suggest that petitioners have been working intermittently and gratuitously, as such, they were designated as *Sevadars*. He submitted that since afore judgment has attained finality, present petition, wherein similar reliefs, as have been claimed, is not maintainable.

8. Having heard learned counsel for the parties and perused material available on record, this Court finds that pursuant to order dated 06.05.2022 passed by Division Bench of this Court in Review Petition No.137 of 2021, titled as ***Ashok Kumar & Ors. Vs. State of Himachal Pradesh & Ors.***, petitioners submitted a representation dated 11.05.2022 before the Deputy Commissioner-cum-Commissioner, Mata Shree Chintpurni Temple Trust, Una, District Una, Himachal Pradesh, but same came to be rejected, vide impugned order dated 04.07.2022



(Annexure P-8). If the aforesaid order is perused in its entirety, there appears to be merit in the contention of Mr. Anup Rattan, learned Advocate General, that afore authority, before deciding the representation having been filed by the petitioners, directed Temple Officer to submit a complete record concerning the persons involved in CWP No.4657 of 2014 as well as the present petitioners, who are claimed to have been engaged by the Temple Officer. Though documents adduced on record by the petitioners along with rejoinder suggest that on certain occasions, Temple Officer or care taker of the Temple had assigned duties to various persons, but that may not be sufficient to conclude that the petitioners were given appointment in the Temple Trust by the Temple Officer, especially when no document in the shape of appointment letter, if any, ever issued by the Temple Trust, has been placed on record. Though it came to be vehemently argued at the behest of petitioners that documents received by the petitioners under Right to Information Act suggest that signatures of the petitioners along with other similarly situate persons were also obtained on the memorandum issued by the Temple Officer, apprising therein that no leave will be granted to any employee during Navratra fare, but such fact, if any, may also not be of much relevance, especially with regard to engagement of the petitioners by the Temple Trust. Commissioner, Temple Trust, after having perused record made available by the Temple Trust, has categorically held that document adduced on record by the petitioners i.e. office order dated 03.04.2019 relating to suspension of



leave during Navratra fare held in 2019, on which signatures of S/s Rahul Sharma, Kuldeep, Dinesh Kumar and Mukesh were obtained, do not incontrovertibly establish the claim of the petitioners that they have been engaged by the temple Trust and they are similarly situate to the persons as involved in CWP No.4657 of 2014.

9. Though Mr. Ajay Sharma, learned Senior Counsel for the petitioners, vehemently argued that petitioners are similarly situate to the petitioners in CWP No.4657 of 2014, but material adduced on record clearly reveals that petitioners in CWP No.4657 of 2014 were engaged as labourers on daily wages basis by Temple Trust in the year 1991 and they were also paid wages based on muster rolls formally verified by the Junior Engineer of the Temple for carrying out specific project works. Though at one point of time, petitioners in afore case were relieved of their duties on completion of work, but subsequently pursuant to award passed by Labour Court, they were reengaged. Though award passed by Labour Court was laid challenge in this Court by way of CWP No.1301 of 2005, but during pendency of the same, services of the some of the labourers were reinstated. Subsequently, such of the persons, who were not reengaged, filed CWP No.4657 of 2014, titled as **Jagdish Chand & others Vs. State of H.P. & others**, wherein direction came to be issued to the Temple Trust to regularize their services. Pursuant to directions passed by this Court in afore Civil Writ Petition, Jagdish Chand as well as other petitioners were reengaged.



10. Since record made available by Temple Trust clearly suggests that Jagdish Chand and other persons were engaged by the Temple Trust and muster rolls were also issued in their favour, no illegality can be said to have been committed by the respondents in proceeding to regularize their services. However, in the instant case, save and except documents as have been annexed with the rejoinder, there is nothing on record to suggest that petitioners were ever appointed by the Temple Trust. Though Mr. Ajay Sharma, learned Senior Counsel representing the petitioner, while referring to Annexure P-14 (available at page 125 of the paper book) adduced on record by the petitioners, attempted to argue that wages were being paid to Kuldeep Chand i.e. one of the petitioners through bank, but such plea of him has been seriously refuted by learned counsel representing the respondents, who have categorically stated that person Kuldeep Chand as shown in the document adduced on record is not Kuldeep Chand, who is one of the petitioners in the case at hand.

11. Needless to say, Temple Trust is governed by the provisions of the Act, which lays down statutory provisions for the appointment of its employees. Recruitment and Promotion Rules have been framed for various posts in the Temple Trust. Since petitioners have not been able to establish that they were engaged by the Temple Trust and during their services, they were paid out of funds of the Temple Trust, no illegality can be said to have been committed by the Commissioner Temple Trust, while passing impugned order 04.07.2022



(Annexure P-8). Though parity has been claimed by the petitioners with Jagdish Chand and others, who had approached this Court by way of CWP No.4657 of 2014, but, as has been taken note hereinabove, Jagdish Chand as well as similarly situate persons were engaged by the Temple Trust in the year 1991 and were paid wages based on muster rolls verified by Junior Engineer of the Temple for carrying out specific project works.

12. To the contrary, there is nothing on record suggestive of the fact that petitioners were ever given appointment by the Temple Trust or Temple Officer. Save and except one document suggestive of the fact that wages were being paid to one Mr. Kuldeep Chand by Temple Trust through bank, nothing has been adduced on record by the petitioners to substantiate their claim that they are the employees of Temple Trust. As has been noticed hereinabove, factum with regard to wages paid to the petitioner namely Kuldeep Chand through bank, has been seriously refuted by the respondents, who have categorically stated that Kuldeep Chand, in whose favour payment has been made through bank, is different from the petitioner namely Kuldeep Chand.

13. Leaving everything aside, this Court finds that prior to filing of the petition at hand, petitioners had approached this Court by way of CWP No.3925 of 2019, titled as **Ashok Kumar & Ors. Vs. State of H.P. & Ors.**, praying therein for the reliefs:



“(a) That the respondents No.3 & 4 may kindly be directed to take immediate action on the representation/corrigendum dated 14.01.2019 issued by Assistant Commissioner (Annexure P-8).

“(b) That the respondent No.4 may kindly be directed to enter the name of the petitioners as “Sewadar” in attendance register.

“(c) That the respondent may kindly be directed to regularize the services of the petitioners recommended by the trustees (as per Annexure P-6).

“(d) That the respondent No.4 may kindly be directed not to engage fresh “Sewadar” till the adjudication of present petition, in the interest of justice.”

14. In afore case, petitioners claimed that they were engaged by the Temple Officer, *Mata Chintpurni* Trust as *Sevadars* in the year 2002-03 and their services were not being regularized. However, Division Bench of this Court, having taken note of submissions made at the behest of petitioners that they were engaged as *Sevadars*, arrived at a conclusion that petitioners were volunteers, who had offered their services to the temple free of charge. Division Bench of this Court, in afore case, held that having offered their services gratuitously, petitioners cannot now turn around and file a petition as it would clearly amount to playing fraud with the respondents. While rejecting the documents adduced on record by the petitioners in afore petition, Division of this Court, in its judgment dated 22.09.2021, held that documents adduced on record indicate that petitioners have been working intermittently and gratuitously and have, therefore, been



designated as *Sevadars* and there is nothing on record to suggest that even this gratuitous service was performed by the petitioners continuously/ regularly so as to entitle them to the relief as claimed.

15. Though through instant petition, petitioners have laid challenge to impugned order dated 04.07.2022, whereby representation having been filed by the petitioners, in terms of order dated 06.05.2022 passed in Review Petition No.137 of 2021, came to be rejected, but if the reliefs, as prayed for, in the instant petition are perused in their entirety, it clearly suggest that petitioners have made similar reliefs as were prayed by them in earlier Civil Writ Petition No.4657 of 2014. If it is so, present petition deserves outright dismissal.

16. Though at this stage, Mr. Ajay Sharma, learned Senior Counsel for the petitioners, attempted to argue that in view of order dated 06.05.2022 passed by Division Bench of this Court in Review Petition No.137 of 2021, findings/observations given in judgment dated 22.09.2021 passed in CWP No.3925 of 2019, have lost relevance, but such plea deserves outright rejection being totally fallacious and untenable.

17. True it is that by way of Review Petition No.137 of 2021, petitioners had prayed for review of judgment dated 22.09.2021 passed in CWP No.3925 of 2019, but before same could be heard and decided on its own merit, learned Senior Counsel for the petitioner submitted before the Division Bench of this Court that his clients would be content in case they are permitted to file representation before the respondents



and same is decided in a time bound manner. This Court, having taken note of aforesaid innocuous prayer made on behalf of the petitioners, permitted the petitioners to make representation with further direction to the respondents to decide the representation of the petitioners, uninfluenced by the earlier order(s), more particularly, that was passed in CWP No. 3925 of 2019. Since while passing judgment dated 06.05.2022, no order, if any, on merit ever came to be passed, rather, on the request of learned Senior Counsel for the petitioners, Review Petition was disposed of by permitting the petitioners to file representation for redressal of their grievance, this Court is not persuaded to agree with Mr. Ajay Sharma, learned Senior Counsel representing the petitioners, that on account of passing of order dated 06.05.2022 in Review Petition detailed hereinabove, findings/observations as well as directions contained in judgment dated 22.09.2021 passed by Division Bench of this Court in CWP No.3925 of 2019, have lost their efficacy, rather same have attained finality on account of fact that till date aforesaid judgment has not been interfered by superior Court of law.

18. Though Division Bench of this Court, while passing judgment dated 06.05.2022 in Review Petition No.137 of 2021, directed the respondents to decide the representation of the petitioners uninfluenced by the earlier order(s), more particularly, that was passed in CWP No.3925 of 2019, but that would not mean that authority responsible for deciding the representation was precluded from recording the finding that petitioners had been rendering/discharging



their services in *Mata Chintpurni Temple* of their own volition. Aforesaid finding returned by the authority concerned is based upon relevant record adduced on record by the Temple Officer, which clearly reveals that at no point of time, petitioners were ever given appointment as *Sevadars*, rather they of their own volition have been offering their services in the famous pilgrimage like *Mata Chintpurni*, where thousands of devotees like petitioners offer their services gratuitously.

19. While analyzing the facts of the extant case, this court cannot refrain from observing that before seeking any service related benefit like regularization of services, it is to be shown that the party seeking such relief was appointed by the party from which such relief is claimed, which can be done by placing on record any document offering appointment. Besides this, it is to be shown that such appointment was fair, transparent, in conformity with Articles 14 and 16 of the Constitution of India, meaning thereby that opportunity was given to every interested person to participate in selection process, appointment was against sanctioned post and that some amount was being paid regularly.

20. In the case at hand, petitioners have failed to show that they were appointed by the Temple Trust or that their service conditions were being regulated under any set of norms/rules or that they were being paid regular remuneration.

21. Hon'ble Apex Court in much celebrated case of ***Secretary, State of Karnataka v. Uma Devi (3) (2006) 4 SCC 1***, has laid down principles governing regularization. Their Lordship held that public



employment must be governed by the constitutional requirements of Articles 14 and 16, which mandate equality of opportunity. Appointments cannot be made through backdoor means by engaging temporary or casual workers indefinitely and later regularizing them. Besides this, Hon'ble Apex Court held that appointments made without there being sanctioned posts are 'illegal' which is distinguishable from 'irregular' appointment where there may be procedural defect in the process.

22. In the present case, petitioners have failed to prove the employee-employer relationship, appointment by the employer, payment of regular remuneration and existence of any service conditions which are quintessential to seek relief of regularization.

23. Consequently, in view of the detailed discussion made hereinabove, this Court finds no merit in the present petition and accordingly, the same is dismissed. Pending application(s), if any, stand disposed of.

**(Sandeep Sharma),
Judge**

November 07, 2025
(*sunil*)