

**Court on its own motion vs. State of H. P. & Ors.**

**Item No. S-1**

**CWPIL No. 46 of 2023**

**13.11.2025** Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Ajeet Pal Singh Jaswal, Advocate, as Amicus Curiae

Mr. Anup Rattan, Advocate General with Ms. Priyanka Chauhan, Deputy Advocate General, for the respondents-State.

Mr. Devesh Kumar, Principal Secretary (Finance), is present in person.

In pursuance to the order dated 03.11.2025, affidavits have been filed by the Additional Chief Secretary (Home) and the Principal Secretary (Finance), and Mr. Devesh Kumar, Principal Secretary (Finance) is present in person in the case in the after lunch session.

2. The first affidavit filed by Mr. Kamlesh Kumar Pant, Additional Chief Secretary (Home), refers to the creation of the Courts, as per government notification dated 30.10.2025 (Annexure-A), which shows that four Courts of Additional District & Sessions Judges alongwith supporting staff have been established.

3. Similarly, notification dated 30.10.2025 (Annexure-B), would also go to show that five Courts of Civil Judges have been established with the supporting staff.

4. A perusal of said notifications (Annexures A & B) would go on to show that the staff, which has been provided in the form of driver, orderly and peon are on daily wage basis, whereas the chowkidar and safai karamchari are on outsource basis. Similarly, for the posts of Nazir, Clerk-cum-typist, Civil

Ahlmad, Criminal Ahlmad, Naib Nazir and Copyist, they are on contract basis by direct recruitment.

5. It is not disputed that the Apex Court only recently in ***The State of Himachal Pradesh & Ors. vs. Surajmani & Anr., (Civil Appeal No. 1595 of 2025, decided on 06.05.2025)***, directed the State not to take recourse to employing personnel on daily wage basis but shall make appointment only in accordance with law as enumerated in the case of ***Secretary, State of Karnataka vs. Uma Devi, 2006 (4) SCC 1.***

6. In spite of this, the State has chosen to make appointments or to make the provisions on daily wage basis, which is in the teeth of the Supreme Court order and amounts to contempt.

7. When the matter was taken up in the morning session and this fact came to the notice of the State, it issued the letter now that the policy of daily wage is no longer in existence and it has to be discontinued and necessary amendments will have to be made in the mode of recruitment in consultation with the High Court.

8. The level of responsibility at the highest level is, thus, an issue before this Court.

9. The High Court has already taken a decision that all its employees and at district level, as such, will only be appointed on regular basis and, therefore, it is expected that the State shall also provide similar facilities at the district level as sovereign functions cannot be allowed to run on *ad hoc*

basis, as the State wishes to, on daily wage/contract basis/outsourced basis. The said persons are support system to the Courts and there has to be a direct control over the said persons under the relevant Rules and, therefore, there has to be a responsibility, which has to be fixed and it cannot be expected from the contractual employees to have the same kind of responsibility. Even otherwise, the contractual employees are paid pittance in comparison to regular employees and neither the responsibility of such contractual employees can be countenanced and depended upon by the Courts.

10. It is also noticed that one post of Judgment Writer on contract basis is not included in the notification dated 30.10.2025 regarding the creation of four Courts of Additional District & Sessions Judges which, however, did find mention in the earlier notification dated 30.09.2022, when the five Courts of Additional District & Sessions Judges were created.

11. Therefore, we expect that the State would make necessary amendments in the notification(s) in question, by the next date of hearing.

12. It is also to be noticed that the request for creation of seven (7) Courts of Additional District & Sessions Judges and 39 Courts of Civil Judges, was sent way back on 10.07.2023 and after a period of more than two years, the creations have only been done of four (4) Courts of the Additional District & Sessions Judges and the five (5) Courts of the Civil Judges. It is also to be noticed that the initial demand as such was for ten

(10) Courts of the Additional District & Sessions Judges and 87 Courts of the Civil Judges, which had been pending and it was only in a phased manner that the additional courts were to be set up, after consultation with the State Government.

13. Keeping in view the fact that two years have gone by, we would now expect from the State also to create the balance three (3) posts of the Additional District & Sessions Judges and also 34 posts of the Civil Judges.

14. The State's request to keep the Court within the 40 kms. radius, of course, would be kept in mind, as communicated vide letter dated 30.10.2025.

15. It is for this Court to see where the pendency of the matters are more and the Courts have to be set-up. Accordingly, the State shall act on the requests of the High Court to set-up the Courts at the places where the request will be sent within a period of one week from today.

16. The affidavit of Mr. Devesh Kumar, Principal Secretary (Finance) would go to show that after the last order was passed, a sum of Rs.469.11 lakh has been now provided under various heads against the need of Rs. 10 Crores. It has been submitted that the State has effected compliance within the statutory constraints to ensure un-interrupted court functions including the fact that the concurrence for two vehicles for the newly appointed Judges is to be granted and is to be remitted to the Administrative Department for approval of the Cabinet. Similarly, for the 13 vehicles at the district level, it has been mentioned that the proposal will be

expedited as soon as needed and additional information is received. It is not disputed that six of the District & Sessions Judges are without Toyota Innova Crysta GX, which is their requirement. Similarly, two Maruti Suzuki Ciaz Smart Hybrid for Registrar (Establishment) and Registrar (Accounts) have not been sanctioned. Similarly, five Maruti Suzuki Ciaz Smart Hybrid, Zeta for Senior Civil Judges of various districts have still not been sanctioned.

17. We have specified as such in the earlier order also regarding the inaction of the State for enhancing the amount of stipend to Law Interns from Rs. 25,000/- per month, which is also hanging fire. Not a word has been said in the affidavit regarding the said proposal.

18. Similarly, it is also noticed that the Resolution had been passed by the Full Court way back on 26.09.2024 and a communication dated 17.10.2024 would go on to show that the Additional Chief Secretary (Home) was requested for creation of 20 posts of Law Clerks-cum-Research Assistants and enhancement of fixed remuneration and providing necessary sanction.

19. The Registrar General has received the normal communication dated 31.10.2025 from the said office, whereby this Court has been informed that the proposal has been examined in consultation with the Finance Department, who has expressed its inability to concur the proposal.

20. Regarding the issue of setting up of permanent Lok Adalats, which is the bounden duty of the State under the

Legal Services Authority Act, 1987, it is to be noticed that in the affidavit of the Additional Chief Secretary (Home), the averments have been made that the matter will be discussed with the H.P. State Legal Services Authority and on need basis as per the discussion, necessary affidavit will be filed.

21. The request for creation of the requisite infrastructure alongwith the post of Chairman and Members as well as staff for making permanent Lok Adalats at Shimla, Mandi and Kangra at Dharamshala, has been hanging fire since 09.10.2007. There was an establishment of permanent Lok Adalat under Section 22-B of the Legal Services Authorities (Amendment) Act, 2022 and the approval was given '*in principle*', however, the Presidents, District Consumer Dispute Redressal Forum, were to be appointed as Chairpersons of Permanent Lok Adalats, as per the decision of the Full Court on 13.09.2007. On 29.06.2010, a Permanent Lok Adalat was also established at Una in the same context. This would be clear from the notifications dated 14.12.2007 and 01.07.2010. The said four posts have been ordered to be included in the Schedule under Rule 3(2) of the H.P. Judicial Service Rules, 2004. It is only on account of the amendments in the Consumer Act, as such, that the running of the Permanent Lok Adalats became defunct and the issue is now only regarding the creation of the requisite infrastructure, which is pending since 28.04.2022, when the letter was addressed by the Deputy Secretary (Law) to the Member Secretary, H.P. State Legal Services Authority.

22. The H.P. State Legal Services Authority way back on 04.05.2022 had written to the LR-cum-Principal Secretary (Law) for creation of these posts of the supporting staff. The follow-up has been made and in usual manner on 06.06.2025, a letter was received by the Member Secretary, H.P. State Legal Services Authority, that the Finance Department has expressed its inability to concur to the A.D.'s proposal and to continue with the existing available manpower of the Department concerned. Reminder was again issued on 27.09.2025.

23. Thus, the above facts would go on to show that there is an absolute stonewalling of any request made by this Court on account of the Finance Department. Resultantly, we direct the Finance Department to file an affidavit as to what proposals were received from this Court for setting up the infrastructures and which of the proposals have seen a green signal and how many proposals have been declined for the last two (2) years since he had charge of this department.

24. The affidavit also does not give any detail regarding the payment from 01.09.2021 in terms of Andhra Pradesh Model and we are informed that arrears are still outstanding.

25. The above sequence of events would only further vindicate the reasoning which had been given on 03.11.2025 regarding the fact that the day-to-day functioning of this Court is being interfered with on account of lack of payments being made as and when called for.

26. Resultantly, we issue following directions:

(i) Firstly steps be taken to ensure the issuance of necessary notifications for providing supporting staff for the five Courts of Additional District and Sessions Judges and five Courts of Civil Judges on regular basis, including the posts of Judgment Writers.

(ii) Similarly, steps be taken for creation of balance three posts of Additional District and Sessions Judges and 34 posts of Civil Judges, keeping in view the request which will be received from the Registrar General of this Court at the places, this Court deems fit.

(iii) For the two vehicles at High Court level which are to be provided to the newly appointed Judges, necessary sanction be taken from the quarter concerned and the amount be made available by the next date.

(iv) Similarly, necessary sanction of thirteen vehicles at the District level be also taken as noticed above.

(v) Appropriate Notification be issued enhancing the stipend of Law Interns from Rs.25,000/-to Rs.40,000/- keeping in view the fact that Law Interns in High Courts of Delhi and Punjab and Haryana are getting Rs.80,000/-. Posts be also

increased as per the requisite number of sanctioned strength of this Court which is 17.

(vi) Infrastructure which is to be given for running of permanent Lok Adalat be also made available keeping in view of request which has been received from the H.P. State Legal Services Authority.

(vii) Outstanding amount of the domestic help and telephone expenses of retired Judges w.e.f. 01.09.2021, be also cleared.

27. The Principal Secretary (Finance) to the Government shall also file his personal affidavit as mentioned in para 23.

28. Accordingly, let necessary affidavit be filed by the next date of hearing for compliance of all the demands. Needless to say, the deponent(s) shall ensure due compliance of their undertakings whenever the amounts are to be provided under various heads to the Registrar of this Court and the Accounts Department. The funds will be provided expeditiously within a period of one week from the date of demand and in case there is any lack of adequate response, necessary orders will have to follow.

29. Needful steps be also taken for the creation of the Courts.

30. List on **08.12.2025**. In case, the necessary affidavit is filed and needful is done, the officer need not to come present.

**(G. S. Sandhwalia)**  
**Chief Justice**

**(Jiya Lal Bhardwaj)**  
**Judge**

**13<sup>th</sup> November, 2025**  
(cm/sanjeev)