



IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.11093 of 2025

Decided on: 10.07.2025

Rakesh Kumar & Ors Petitioners

Versus

State of H.P. & Ors. ...Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

¹ *Whether approved for reporting?*

For the petitioners: Mr. Naresh Kaul and Ms. Sheetal Kaul, Advocates.

For the respondents: Mr. Rajan Kahol and Mr. B.C.Verma, Additional Advocates General.

Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. This writ petition has been filed for grant of following substantive reliefs:-

“(a) That a writ in the nature of mandamus 'or' any other appropriate writ order or direction may be issued thereby directing the respondents to grant the financial enhancement/up-gradation under the new ACPS on completion of 14 years of service on the post of JBT with all consequential

¹ *Whether reporters of Local Papers may be allowed to see the judgment? yes*



- benefits to the petitioners, in the light of the judgment rendered by the Hon'ble Division Bench of this Hon'ble Court in CWPOA No. 5536 of 2020, titled as Sanjay Kumar Vs. State of H.P and ors. a/w connected matters, in the interest of law and justice.*
- b) *That the respondents may be directed to release the interest @ 9% per annum upon the arrears after granting relief no. (a) supra, in the interest of law and justice.*
- c) *That during the pendency of the writ petition the respondents may directed to consider and decide the fresh representation dated 19.01.2025(Annexure P-8) after taking into consideration Annexure P-2(dated 18.12.2018, R-3(dated 22.03.2022), P- 5(25.06.2022),P- 6(1.J1.2023) P- 7(12.06.2024), in the interest of law and justice..”*

3. According to the petitioners, the legal issue involved in the case has already been adjudicated upon. The grievance of the petitioner is that their representation dated 19.01.2025 (Annexure P-8) , has still not been decided by the respondents/competent authority.

4. Once the legal principle involved in the adjudication of present petition has already been decided, it is expected from the welfare State to consider and decide the representation of the aggrieved employee within a reasonable time and not to sit over the same indefinitely compelling the



employee to come to the Court for redressal of his grievances.

This is also the purport and object of the Litigation Policy of the State. Not taking decision on the representation for months together would not only give rise to unnecessary multiplication of the litigation, but would also bring in otherwise avoidable increase to the Court docket on unproductive government induced litigation.

5. In view of the above, this writ petition is disposed of by directing the respondents/competent authority to consider and decide the aforesaid representation of the petitioners in accordance with law within a period of six weeks from today. The order so passed be also communicated to the petitioners.

Pending miscellaneous application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

July 10, 2025
(R.Atal)