

State of Himachal Pradesh and another Vs. Sanjan Awasthi Indu.

Item No. (D-14)

CMP(M) No.1665 of 2025

15.10.2025

Present: Mr. Pranay Pratap Singh, Additional Advocate General, for the applicants/appellants-State.

Apparently, the benefits having been only granted notionally by the Tribunal had been challenged as such by the employee by filing the CWP No.2144 of 2020 titled ***Sanjan Awasthi Indu Vs. The State of H.P. and others***, decided on 29.04.2024 (**Annexure P-3**), which had been allowed and the State had never challenged the order of the Tribunal dated 23.07.2019. The State then has gone behind the said orders, while considering the case as such by passing the order dated 28.08.2024 (**Annexure P-4**), whereby the employee was held to be absent at the time of inspection done on 30.12.2013.

2. It is in such circumstances, the learned Single Judge has held that the respondents were only to consider the case and see the eligibility aspect and could not as such open up a fresh issue that the employee had been found absent.

3. Counsel for the applicants/appellants-State prays for time to get the inspection report dated 15.01.2014 which had been quashed in the earlier round of litigation by the Tribunal on 23.07.2019 (**Annexure P-1**) while granting the relief of consideration for taking over the

service of respondent as Lecturer (School Cadre) on contract, from the date, the other staff was taken over.

4. Counsel for the applicants/appellants-State will also place on record the defence of the State, if any before the Tribunal or before the Coordinate Bench in the earlier round of litigation by the next date.

5. Accordingly, the proceedings are deferred for **03.11.2025.**

(G.S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

15th October, 2025
(sanjeev/munish thakur)