

Item No. D-12

Bal Krishan vs. State of H.P. & others

CWP No. 7474 of 2022 a/w CWP No. 3750 of 2020, CWP No. 9633 of 2023, CWP No. 14512 of 2024, COPC No. 94 of 2025 & CWP No. 6693 of 2025 and CWP No. 13527 of 2024

CWP No. 7474 of 2022

18.05.2026

Present: Mr. Abhimanyu Rathore, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. P.P. Singh, Additional Advocate General for respondents No. 1 to 3.

Mr. Manohar Lal Sharma, Advocate, for respondent No.4.

Ms. Tim Saran, Advocate, for respondent No.5.

CWP No. 3750 of 2020

Mr. Sanjeev K. Suri, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. P.P. Singh, Additional Advocate General for respondent No. 1.

Ms. Tim Saran, Advocate, for respondent No.2.

CWP No. 9633 of 2023

Mr. Sanjeev K. Suri, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. P.P. Singh, Additional Advocate General for respondents No. 1 to 5.

Ms. Seema K. Guleria, Advocate, for respondent No.6.

CWP No. 14512 of 2024

Mr. Sanjeev Kumar Suri, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. P.P. Singh, Additional Advocate General for respondent No. 1.

COPC No. 94 of 2025

Mr. Abhimanyu Rathore, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. P.P. Singh, Additional Advocate General for the respondent-State.

CWP No. 6693 of 2025

Mr. Tarun Garla, Advocate, for Mr. Yogesh Kumar Chandel, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. P.P. Singh, Additional Advocate General for the respondent-State.

CWP No. 13527 of 2024

Mr. Hemant Kumar Sharma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. P.P. Singh, Additional Advocate General for respondents No. 1 to 5.

Ms. Seema K. Guleria, Advocate, for respondent No.6.

Affidavit on behalf of respondent No.2 has been filed in pursuance to orders dated 31.12.2025 and 11.03.2026, wherein it has been submitted by the Special Secretary (Finance), Mr. Saurabh Jassal that

on account of sheer magnitude and volume of data relating to outsourced personnel from across numerous Government Departments, Boards, Corporations and Autonomous Bodies, functioning under the Government has been delayed, which is not willful.

2. It has been averred that the data sought pertains to outsourced workers and the staff engaged was not centrally maintained or readily available with the Finance Department and its compilation necessarily required information to be furnished by each individual Administrative Department. Reference has been made to communication dated 06.01.2026, seeking the details from all the Administrative Secretaries (Annexure A-1). On account of not responding, Reminder-I dated 04.02.2026, Reminder-II dated 27.02.2026 and Reminder-III dated 11.03.2026 were issued. It has also been averred that circular dated 13.10.2022 (Annexure P-22), issued by the Finance Department to all the Administrative Secretaries remained in force and has not been rescinded.

3. Responses had been received from the number of departments and the data collected and

appended as Annexure A-V. Perusal of the same would go on to show that across the Board total 17,114 persons have been recruited on outsource basis through in as many as 42 establishments, which includes the High Court and H.P. Judicial Academy, apart from Advocate General Office. As many as 630 persons were provided in the office of the Director General of Police, 542 in Jal Shakti Department, H.P., 1473 in Power Corporation Ltd., 632 in Rural Development, whereas 803 in Directorate of Agriculture and 793 in H.P. Agriculture University, Palampur and in the Director of Medical Education & Research, as many as 2578 outsourcing across the Board, even though State admits that complete data is not available as per the affidavit filed by the Principal Secretary (Finance). The High Court in principle by way of Full Court Resolution on 12.08.2025 has already decided not to take employees on daily wage/ part time and on contract basis.

4. Our attention has been drawn to Annexure P-9 (at page 166 of CWP No. 7474 of 2022) to the policy guidelines issued on 01.07.2017, wherein as per Clause (1), it has been mentioned that outsourcing of services by the Departments may be done only with the

approval of the State Government, keeping in view the H.P. Financial Rules, 2009. The policy guidelines have been issued also by the Special Secretary (Finance) itself, which mitigates in the face of the affidavit, which has now been filed by the present Special Secretary (Finance). Therefore, we are under a loss that how the State can take such plea that the data is not available as such. Therefore, the averment made that the Finance Department is making sincere and earnest efforts to gather the remaining information but the Departments are not responding is not apparently made in good taste and the averment has been made that no record is maintained in the respondent department.

5. It is pertinent to mention that the writ petition has been filed way back, whereby the Chief Secretary, Government of Himachal Pradesh has been arrayed as respondent No.1, and therefore, the further averment made that the said officer does not know that how many regular posts of Staff Nurses have been filled up shows its lack of commitment on the ground that the information pertains to the Department of Health & Family Welfare and therefore, he is not in a position to place the relevant facts and figures before

this Court and does not place the State in a very good position.

6. The factum of Rs. 20,000/- as costs, which was levied and directed to be deposited in "Poor Patient Treatment Fund" has been deposited. It is also pertinent to notice that the information had been asked way back on 31.12.2025 and in the subsequent order dated 11.03.2026, we had noticed that the data was not supplied and an adverse influence had been taken against the State. Our impression on the earlier date as such can be vindicated by the stand now taken by the Secretary.

7. The issue in question and the prayer made in the writ petition, apart from the fact of raising a challenge as such in one of the writ petitions (CWP No. 7474 of 2022) is to set aside the circular dated 13.10.2022 (Annexure P-22) vide which the outsourcing repeatedly continues and regular posts as such are not being filled up by the State, which we had already noticed in our order dated 31.12.2025 and the fact that outsourcing can only be resorted to cover an exigency. The State apparently vide the said circular 13.10.2022 (Annexure P-22) continues to legitimize the illegal actions that the outsourced should be

continued till further orders and rather if there is any difficulty in implementing the order, necessary directions may be sought from the Government.

8. We had also noticed that 750 vacant posts of Staff Nurses were there on 31.07.2024 and only 28 posts of Staff Nurses were sought to be filled up on 17.12.2024 by way of regular basis and specifically directed in paragraph-5 to file an affidavit that how many regular posts of Staff Nurses have been filled up thereafter to show its commitment against better health care in the State, but it has still not been done and instead a period of six months have been passed by the State. Apparently, the State has not collected any empirical data nor it has been placed on record to take such policy decisions and by resorting to exploitation by employing large number peoples by way of outsourcing and depriving them of their statutory rights in spite of vacancies being available with them and not resorting to the recruitment process and this Court is not being apprised of the percentage of the vacancies which are available against which all these outsourced employments have been made.

9. It is also to be noticed that the prayer made is also regarding criminal investigation by the Special

Investigating Team to be headed and monitored by the retired Supreme Court or the High Court Judge into the matter of 110 fake service providing companies. *Prima facie*, we are of the considered opinion that having employed 17,114 employees without adopting fair selection process the benefit is going to outsourcing agencies and a case is made out, but we stay our hands only on account of the fact that the Apex Court had directed vide order dated 17.03.2025 to decide the case on merit, firstly.

10. It has also been brought to our notice from the pleadings in CWP No. 3750 of 2020 that persons are appointed on outsource basis and thereafter absorbed in the Rogi Kalyan Smiti and it is not disputed that there is a regularization policy of the employees of the said Smiti. Thus, effectively concentrated effort is being made to ensure that there is no recruitment on a regular basis to fill up the vacant posts but a back door entry is being opened for the purposes best known to the powers that may be.

11. Resultantly, we have no option but to direct the Secretary (Health) to the Government of H.P. to come present before this Court along with the Principal

Secretary (Finance) to the government of H.P. to
explain the above, on the next date.

List on **16.06.2026**. To be taken at 2.00
P.M.

(G.S. Sandhawalia)
Chief Justice

18th May, 2026
(kck)

(Bipin C. Negi)
Judge