

Item No. D-1

Bal Krishan Vs. The State of Himachal Pradesh and others a/w connected matters.

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

07.07.2026

Present:

CWP No. 7474 of 2022

Mr. Abhimanyu Rathore, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap 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

Ms. Anamika Negi, Advocate, for Mr. Sanjeev K. Suri, Advocate, for the petitioners.

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

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

CWP No. 9633 of 2023

Ms. Anamika Negi, Advocate, for Mr. Sanjeev K. Suri, Advocate, for the petitioner.

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

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

CWP No. 13527 of 2024

Mr. Hemant Kumar, Advocate, for the petitioner.

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

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

CWP No. 14512 of 2024

Ms. Anamika Negi, Advocate, for Mr. Sanjeev K. Suri, Advocate, for the petitioner.

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

CWP No. 6693 of 2025

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

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Additional Advocate General, for the respondents-State.

COPC No. 94 of 2025

Mr. Abhimanyu Rathore, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Additional Advocate General, for the respondents-State.

Ms. M. Sudha Devi, Principal Secretary (Health & Family Welfare) to the Government of Himachal Pradesh, is present in the Court in person.

Ms. M. Sudha Devi, Principal Secretary (Health & Family Welfare), to the Government of H.P., is present in the Court and has filed her affidavit, in terms of the previous order.

2. The Policy dated 06.11.2025 for creating new posts of Assistant Staff Nurses has been appended alongwith the affidavit (Annexure A-1). The affidavit holds out that on account of financial exigencies as such, the said Policy had been put in place without creation of any new posts and also to do away the Outsourcing Policy, wherein, Nurses were getting pay of Rs.13,000/-, whereas, as per Clause 5 of the Policy dated 06.11.2025, the State had fixed minimum honorarium of Assistant Staff Nurses at Rs.25,000/- per month.

3. Thus, it has been held out that the State had taken the policy decision considering the financial constraints and larger public interest to meet the need to improve the health care delivery in the State.

4. The result sheet of the Assistant Staff Nurses appointed from the recommended candidates on merit declared by the H.P. Rajya Chayan Aayog, Hamirpur, has also been appended and it is pointed out that the Reservation Policy has been adhered to.

5. Thus, it has been mentioned in the affidavit that the State had decided to create a new service in Medical Colleges with the designation of Assistant Staff Nurses and the process of formulation of the Policy has been adopted by placing the matter before the Cabinet and the Cabinet approved the Policy. Fall back as such, has been made on Article 162 read with Articles 309 and 310 of the Constitution of India, to justify the said Policy.

6. Reference has been made to the letter dated 04.07.2026 (Annexure A-V), to point out that the nomenclature as such, of the posts after 2024 is Job Trainee. It has further been mentioned that the process for recruitment of 200 Staff Nurses has also been initiated by the Director of Health Services, H.P., on 12.06.2026, initially to be engaged as Job Trainee on fixed monthly amount of Rs.21,500/-, strictly in accordance with engagement of Job Trainee Policy/Scheme of the Government issued on 19.07.2025, the breakup of which is given in the affidavit, including 17 posts to be filled up by promotion as per R&P Rules from the feeding category of eligible Female Health Workers.

7. Counsel for the petitioners have accordingly argued on the issue that the Policy as such, is for the purpose of

overcoming the shortage of Staff Nurses and it can only be used for supplementing the said posts of Staff Nurses by appointing Assistant Staff Nurses and the State is still under a legal obligation as such, to fill up the vacancies, which are on the regular side and as noticed on the earlier date, as many as 1535 posts of Staff Nurses are lying vacant.

8. It is thus submitted that in terms of the said Policy, appointments have been made for a period of 5 years and engagement made under this Policy shall not give any right to Assistant Staff Nurses for regularization against any sanctioned post in the Department.

9. It has also been pointed out by Mr. Abhimanyu Rathore and Mr. Yogesh Kumar Chandel, Advocates that as per the terms and conditions of the said Policy, the said Assistant Staff Nurses would not be considered as Government employees. It has also been brought to our notice that between 01.01.2023 to 02.03.2026, 190 posts of Staff Nurses have been filled up in accordance with the R&P Rules at Page 722, which provides for filling up of the posts by way of regular or contractual appointments and the Pay Scale for regular appointment was Rs.10,300-34,800/- plus Grade Pay Rs.3800/- and Rs.13,500/- for contractual employees which now stands enhanced accordingly. They have undertaken to place the same on record.

10. Learned Advocate General submits that necessary affidavit as to how many outsource persons had been deputed recently in the last three years across all the Departments and

against the said appointments, how many regular vacancies exist, is yet to be filed and prays for time to do the needful.

11. Interim order dated 16.06.2026 to continue, since at this stage, we do not feel it appropriate to permit the State to appoint 312 persons as Assistant Staff Nurses, keeping in view the observations made in the previous order and since the Policy dated 06.11.2025 has been brought into force during the pendency of the present petition and counsel for the petitioners have taken objection to it.

CMP No. 16459 of 2026

12. The present application has been filed seeking three weeks further time to file necessary information in terms of order dated 16.06.2026. As Secretary (Finance) to the Government of H.P., is also present to supplement the said request, accordingly, these proceedings are deferred for **22.07.2026**.

13. Keeping in view the averments made in the application, the same is allowed. Let necessary information be furnished by the next date of hearing.

14. Application stands disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

July 07, 2026
(Shivank Thakur)