

**The State of Himachal Pradesh and others
versus Vijay Kumar**

CMP.M No. 2126 of 2024

[Item No.D-6]
27.02.2025

Present: Mr. Gobind Korla, Additional Advocate General for the applicants/appellants.

Inter alia contends that the engagement was made on 01.07.1995 and the workmen were deputed to work in the Indo German Changar Project, Palampur. The services were dispensed with on 31.03.2006, on account of closure of the Project. Reference is made to Annexure A-IV that the workmen were put to notice on 20.02.2006 regarding the closure of the Project. It is submitted that for almost a decade, the issue was not raised, as the reference was only instituted by raising industrial dispute on 08.06.2015 and the reference was instituted on 24.08.2016. It is submitted that re-engagement as directed as such was not justified in the circumstances and the lump-sum compensation could have been directed in view of the law laid down by the Hon'ble Apex Court in **State of Uttarakhand and another versus Raj Kumar, (2019) 14 SCC 353, District Development Officer and another versus Satish**

Kantilal Amrelia, (2018) 12 SCC 298 and **Bharat Sanchar Nigam Limited** versus **Bhurumal (2014) 7 SCC 177**. It is further submitted that reference has been made in case of **Bhishan Dass** and the fact that the order was upheld by this Court by pointing out that from the judgment passed in CWP No.2511 of 2009, decided on 18.06.2010, nothing has come on record that Bhishan Dass was similarly situated having worked under the same Project.

Notice to the respondent in the application for condonation of delay, returnable for **22nd April, 2025**, on steps being taken within one week.

(G.S. Sandhawalia)
Chief Justice

(Ranjan Sharma)
Justice

February, 27, 2025
(Himani/Shivender)