



2025:HHC:40057

IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA

CWP No. 18254 of 2025
Decided on:26.11.2025

Pushpinder Kumar

...Petitioner

Versus

State of H.P. & Ors.

....Respondents.

Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the petitioner:

Mr. Vaibhav Tanwar, Advocate.

For the respondents:

**Mr. Vishwadeep Sharma,
Additional Advocate General,
Mr. Sikander Bhushan, Deputy
Advocate General and Mr. Rajat
Choudhry, Assistant Advocate
General.**

Jyotsna Rewal Dua , J

Notice. Mr. Vishwadeep Sharma, learned Additional Advocate General, appears and waives service of notice on behalf of respondents.

2. Petitioner had instituted ***Pushpinder Kumar Vs. State of Himachal Pradesh and others***² seeking applicability of ***Ghanshyam Dass and others Vs. State of Himachal Pradesh and others***³, ***Yashwant Kumar Vs. State of Himachal Pradesh and others***⁴ and ***Chuni Lal Vs. State of Himachal Pradesh and others***⁵. The writ

¹Whether reporters of the local papers may be allowed to see the judgment?yes

²CWP No.12389/2025, decided on 30.07.2025.

³CWP No. 2056 of 2023, alongwith connected matters decided on 21.03.2024

⁴CWP No.8148 of 2022 decided alongwith connected matters on 21.03.2024

⁵CWP No.1540 of 2023, decided alongwith connected matters on 21.03.2024



petition was disposed of with direction to the respondents to consider the case of the petitioner in light of above decisions.

Pursuant thereto, respondents considered the case of the petitioner and rejected the same under order dated 25.08.2025 (Annexure P-5) primarily on the grounds that above decisions have not attained finality as these have been assailed in LPA No. 316 of 2025.

Feeling aggrieved, petitioner has instituted this writ petition seeking quashing of impugned order dated 25.08.2025 (Annexure P-5) with further prayer to direct the respondents to confer him benefits flowing from the decisions rendered in ***Ghanshyam Dass³, Yashwant Kumar⁴ and Chuni Lal⁵***.

3. Learned counsel for the petitioner submitted that mere pendency of the Letters Patent Appeal would not come in way of passing effective consideration order by the respondents on the basis of decisions render in ***Ghanshyam Dass³, Yashwant Kumar⁴ and Chuni Lal⁵*** more so, since ***Ghanshyam Dass³*** had already been implemented. Learned counsel for the petitioner submitted that petitioner would be satisfied in case respondents/Competent Authority is directed to consider the case of the petitioner afresh.

Learned Additional Advocate General has no objection to the aforesaid prayer. Learned Additional Advocate General, however, submits that decision in ***Yashwant Kumar⁴*** has been assailed by the



respondents in ***State of H.P. Vs. Chuni Lal***⁶ and the same is yet pending adjudication, therefore, respondents be permitted to decide the case of the petitioner within one month after decision of LPA i.e. ***Sate of H.P.Vs. Chuni Lal***⁶.

4. In view of above, impugned order dated 25.08.2025 (Annexure P-5) is quashed and set aside with further direction to respondent No.2/Competent Authority to decide the case of the petitioner afresh within one month from the date of decision of the ***State of H.P. Vs. Chuni Lal***⁶. The decision so arrived at shall also be communicated to the petitioner. Pending miscellaneous application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

26th November, 2025_(yogesh)

⁶ LPA No.205 of 2025