



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CWP No.18155 of 2025**

**Date of Decision: 24.11.2025**

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**Kanwal Preet Kaur**

**.....Petitioner**

**Versus**

**State of Himachal Pradesh & Ors.**

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**.....Respondents**

**Coram**

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**

**Whether approved for reporting?**

**For the Petitioner:** Mr. Vaibhav Tanwar, Advocate.

**For the respondents:** Mr. Vishal Panwar, Additional Advocate General with Mr. Ravi Chauhan, Deputy Advocate General.

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**Sandeep Sharma, J. (Oral)**

By way of instant petition, petitioner has prayed for the following main reliefs:-

- "a. That the writ of certiorari reliefs' may kindly be issued to quash and set-aside order dated 15.09.2025 (Annexure P-4) in the interest of justice.
- b. That a writ of mandamus may kindly be issued directing the respondents to grant to the petitioner the benefit of difference of the minimum of the band pay + grade pay paid to her on her appointment on contractual basis and to which she is entitled after the pay revision till his regularization w.e.f. 08.08.2016 to 19.12.2019 in terms of the judgment passed by the Hon'ble Court in CWP No.2056/2023, titled as Ghanshyam Dass & Others Versus State of H.P & others and further the respondents be directed to release to the petitioner all the consequential benefits along with arrears at the rate of 9% per annum."

**2.** Having regard to the nature of prayer and order proposed to be passed in the instant petition, this Court sees no necessity to call



for reply from the respondents, who are otherwise represented by Mr. Ravi Chauhan, learned Deputy Advocate General.

3. Petitioner had filed CWP No.12711 of 2025, titled as ***Kanwal Preet Kaur Versus State of H.P. & Ors.***, seeking therein applicability of CWP No.8148 of 2022, titled as ***Yashwant Kumar Versus State of Himachal Pradesh and others***, decided alongwith connected matters on 21.03.2024 as also CWP No.2056 of 2023, titled as ***Ghanshyam Dass and others Versus State of Himachal Pradesh and others***, decided alongwith connected matters on 21.03.2024. The afore writ petition was disposed of vide judgment 06.08.2025 with a direction to the respondents to consider the case of the petitioner in light of the aforesaid decision within a time bound manner.

4. Pursuant to aforesaid directions, respondent No.2 vide office order dated 15.09.2025 (Annexure P-4) considered the case of the petitioner and rejected the same on the ground of pendency of a Letters Patent Appeal preferred against *Yashwant Kumar* (supra). In the afore background, petitioner has approached this Court in the instant proceedings.

4. Learned counsel for the petitioner submits that mere pendency of Letters Patent Appeal would not come in way of



passing effective consideration order by the respondents on the basis of decisions rendered in *Yashwant Kumar (supra)* and *Ghanshyam Dass*<sup>4</sup>. He invited attention of this Court to communication dated 02.09.2025 (Annexure P-1) issued by Director of School Education, Himachal Pradesh, whereby it has been stated that the decision rendered in *Ghanshayam Dass (supra)* has been implemented vide order dated 18.06.2025.

**5.** The case file shows passing of different orders by different departments of the State Government in similar cases. Though judgment in *Ghanshyam Dass* has been implemented, but in case of the petitioner, consideration has been rejected only on the ground of pendency of the Letters Patent Appeal. The relief claimed in the instant case was based upon the decision rendered in *Yashwant Kumar (supra)* and *Ghanshyam Dass (supra)*. Departments of the State Government cannot adopt defendants yardsticks, while deciding cases of similarly situate persons. Furthermore, mere pendency of Letters Patent Appeal would not debar the respondents from considering the cases on merits.

**6.** Consequently, in view of above, the impugned office order dated 15.09.2025 (Annexure P-4) is quashed and set aside.



However, respondent No.2 is directed to consider and decide the case of the petitioner afresh in accordance with the directions issued in ***Kanwal Preet Kaur*** (*supra*) as also keeping in view the aforesaid communication dated 02.09.2025 (Annexure P-1). The fresh exercise be now undertaken within a period of four weeks from today. Pending application(s), if any, stand disposed of.

**November 24, 2025**  
(*sunil*)

**(Sandeep Sharma),**  
**Judge**