



2025:HHC:39657

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.18104 of 2025
Decided on: 24.11.2025

Amit Kumar	Petitioner
Versus	
State of H.P. & Anr.	...Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

¹ *Whether approved for reporting?*

For the petitioner:	Mr. Vaibhav Tanwar, Advocate.
For the respondents:	Mr. Y.P.S.Dhaulta, Additional Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Mr. Y.P.S.Dhaulta, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. Petitioner had instituted ***Amit Kumar Vs. State of Himachal Pradesh and others***² seeking applicability of ***Ghanshyam Dass and others Vs. State of Himachal***

¹ *Whether reporters of Local Papers may be allowed to see the judgment?* Yes

² CWP No.13111 of 2025, decided on 14.08.2025



Pradesh and others³, Yashwant Kumar Vs. State of Himachal Pradesh and others⁴ and Chuni Lal Vs. State of Himachal Pradesh and others⁵ The writ 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 15.09.2025 (Annexure P-4) 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 15.09.2025 (Annexure P-4) 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

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

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

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



respondents on the basis of decisions rendered in *Ghanshyam Dass*³, *Yashwant Kumar*⁴ and *Chuni Lal*⁵ more so, since *Ghanshyam Dass*³ 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 Kumar*⁴ 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. ***state of H.P.Vs. Chuni Lal***.

4. In view of above, impugned order dated 15.09.2025 (Annexure P-4) 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

⁶ LPA No.205 of 2025



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

November 24, 2025
R.Atal