

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.18451 of 2025

Date of Decision:28.11.2025

Tej Singh & othersPetitioners

Versus

State of Himachal Pradesh & another ... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Vaibhav Tanwar, Advocate.

For the Respondents: Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocate Generals.

Sandeep Sharma, Judge(oral):

Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

Keeping in view the impugned office order, the pleadings and the order being passed hereinafter, reply to the writ petition is not required to be called for from the respondents. With the consent of learned counsel for the parties, the matter is heard at this stage.

2. Petitioners had instituted **Rajesh Kumar and Others versus State of H.P. and another**² seeking applicability of Yashwant

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

Kumar Versus State of Himachal Pradesh and others³ as also **Ghanshyam Dass and others Versus State of Himachal Pradesh and others⁴**. The writ petition was disposed of with direction to the respondents to consider the cases of the petitioners in light of the aforesaid decisions within a time bound schedule. Pursuant thereto, respondent No.2 vide office order dated 27.10.2025 (Annexure P-3) considered the cases of the petitioners and rejected the same on the ground of pendency of a Letters Patent Appeal preferred against *Yashwant Kumar³*. This order has been assailed in the instant writ petition.

3. Learned counsel for the petitioners 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 and Ghanshyam Dass⁴*. Attention was also invited to another office order dated 07.11.2025 (Annexure P-1) issued by respondent No.2 in case of one Ms. Poonam Verma pursuant to the directions issued in *Poonam Verma & Anr. Versus State of H.P. & Ors.⁵*. In terms of office order dated

² CWP No.10524 of 2025, decided on 02.07.2025

³ CWP No.8148 of 2022, decided alongwith connected matters on 21.03.2024

⁴ CWP No.2056 of 2023, decided alongwith connected matters on 21.03.2024

⁵ CWP No.10604 of 2025, decided on 03.07.2025

07.11.2025, the said Ms. Poonam Verma was held entitled to the revised contractual emoluments on the analogy of the decisions rendered in Yashwant Kumar³ and Ghanshyam Dass⁴ subject to final outcome of the Letters Patent Appeal instituted against the said decisions.

4. The case file shows passing of different orders by respondent No.2 in different cases. Though Ms. Poonam Verma has been held entitled to higher contractual emoluments subject to final outcome of the Letters Patent Appeal instituted by the State against Yashwant Kumar³ and Ghanshyam Dass⁴, but in case of the petitioners, consideration has been rejected only on the ground of pendency of the Letters Patent Appeal. The relief claimed in both the cases was the same, i.e. consideration of their cases in light of Yashwant Kumar³ and Ghanshyam Dass⁴. Respondent No.2 cannot have discriminatory approach towards deciding the cases where the petitioners are similarly situated. Furthermore, mere pendency of Letters Patent Appeal cannot debar consideration of the cases on merits.

5. In view of above, the impugned office orders dated 27.10.2025 (Annexure P-3) is quashed and set aside. Respondent

No.2 is directed to consider and decide the respective cases of the petitioners afresh in accordance with the directions issued in Rajesh Kumar² as also keeping in view the aforesaid office order dated 07.11.2025 (Annexure P-1). The fresh exercise be now undertaken within a period of four weeks from today. The decision so arrived at shall also be communicated to the petitioners. The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

**(Sandeep Sharma),
Judge**

November 28,2025
(shankar)