

Ajay Singh Thakur & ors. vs. State of H.P. & anr.

CWP No. 18557/2025

28.11.2025 Present: Mr. Sanjeev Bhushan, Sr. Advocate with
Mr. Rajesh Kumar, Advocate, for the petitioners.

Mr. Raj Negi, Dy. A.G. for the respondents.

CWP No. 18557/2025

Notice. Mr. Raj Negi, learned Deputy Advocate General, appears and waives service of notice on behalf of the respondents. Reply, as prayed, be filed within two weeks. It has been submitted by the learned counsel for the parties that similar petition (CWP No. 15049/2025) is also pending consideration for 16.12.2025.

List for consideration on 16.12.2025 along with CWP No. 15049/2025.

CMP No. 28606/2025

It is the case of the petitioners/applicants that in pursuance of various judgments passed by this Court as well as Apex Court, benefit of regularization was extended to the petitioners/applicants in pursuance to the judgment dated 22.8.2022 (Annexure P-3) passed in CWP No. 1077/2019.

However, now by referring “The Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024”, enacted by the Legislature of Himachal Pradesh, benefits extended to the petitioners have been ordered to be withdrawn by issuing office order dated 3.10.2025 (Annexure P-5).

It has been submitted on behalf of the petitioners/applicants that benefits have been extended to the petitioners in compliance of judgment passed by competent Court, which has attained finality after dismissal of SLPs preferred by the State in the Apex Court and, therefore, it is not permissible for the respondents to withdraw such benefits extended to the petitioner. It has been submitted by learned counsel for the petitioners-applicants that though the State has every right to enact from retrospective dates by declaring that what shall be law deemed to have been on a particular date, but the State has no right to render any judgment passed by the Court ineffective or to overrule the judgment passed by Competent Court after exercising its jurisdiction in accordance with law, as held by the Apex Court in ***Janapada Sabha Chhindwara v. The Central Provinces Syndicate Ltd. and another, (1970) 1 SCC 509.***

It has been further submitted by the learned counsel for the petitioners-applicants that such an act is not only detrimental to the interest of the petitioner-applicant, but is also a contemptuous act.

There is a force in the contention of the learned counsel for the petitioners-applicants and a prima facie case is made out for passing ad interim injunction against the respondents-State, as prayed.

Accordingly, execution and implementation of Office Order, dated 3.10.2025 (Annexure P-5) issued by

respondent No.2 shall remain stayed during pendency of the Writ Petition. Addition/alteration/vacation, on motion.

The application stands disposed of.

(Vivek Singh Thakur)
Judge

(Ramesh Verma)
Judge

28.11.2025
(pankaj)