

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CMP(M) No.1860 of 2025 &

LPA No.923 of 2025

Decided on: 29th December, 2025

Kiran Rawat

...Applicant/Appellant

Versus

State of H.P. and another

...Non-applicant/Respondents

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

Hon'ble Mr. Justice Bipin C. Negi, Judge

Whether approved for reporting?¹

For the applicant/appellant : Mr. Sanjeev Bhushan, Senior Advocate with Mr. Sparsh Bhushan, Advocate.

For the respondents : Mr. Gobind Korla, Additional Advocate General, for respondent No.1-State.
Mr. Sandeep Dutta, Advocate, for respondent No.2.

G.S. Sandhawalia, Chief Justice (Oral)

The present application i.e. CMP(M) No.1860 of 2025, has been filed for condonation of delay in filing the appeal which is barred by 1 year, 1 month and 20 days against the judgment of the learned Single Judge whereby **CWPOA No.6973 of 2020** titled **Smt. Kiran Rawat vs. State of H.P. and another** was decided on **14.05.2024**.

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

2. In the application filed for condonation of delay, it has been mentioned that earlier an **LPA No.175 of 2024** titled **Kiran Rawat vs. State of H.P. and another** was filed which was dismissed as withdrawn on 10.07.2024 (Annexure-A) with liberty to file a review on the ground that prayer (b) made in **CWPOA No.6973 of 2020** had not been considered by the learned Single Judge.

3. Apparently, **Review Petition No.05 of 2025** was then filed which also was withdrawn on 08.04.2025 in view of the notification dated 31.12.2024, which had amended the Recruitment and Promotion Rules. The said rules were the subject matter of challenge and the appellant did not agitate the review petition and accordingly, it was dismissed as not pressed on 08.04.2025. Thereafter, at a leisurely pace, the present appeal has now been filed on 03.07.2025.

4. Learned Senior counsel has sought to argue that connected appeals stand admitted, by placing reliance upon the order passed on **02.04.2025** in **LPA No.413 of 2024 a/w LPA Nos.299 and 416 of 2024** titled **Manju Kashyap vs. HPSPCB**. An effort has been made to convince us that another judgment of the even date i.e. 14.05.2024, had been passed in **CWPOA No.6303 of 2020** titled **Deepak Dogra and others vs. State of H.P. and**

another, which is now subject matter of the **LPA No.299 of 2024**, which also stands admitted.

5. The review was allegedly filed on 11.07.2024, the very next day after the withdrawal of LPA No.175 of 2024 on 10.07.2024. In such circumstances, the delay for the intervening period is sought to be justified.

6. We are of the considered opinion that initially the appellant had filed the appeal within limitation and for reasons best known to her, she chose to pursue the remedy of review and then did not press the same even after a period of four months, after the notification dated 31.12.2024 had been issued.

7. Thereafter the present appeal was then filed after a further period of three months on 03.07.2025 and now the delay is sought to be condoned on the ground that similar matters are pending in **LPA No.413 of 2024 a/w LPA Nos.299 and 416 of 2024** titled ***Manju Kashyap vs. HPSPCB***.

8. We are not convinced with the arguments raised by the learned Senior Counsel, who not only was appearing at the first instance when **LPA No.175 of 2024** was filed, but was also appearing as counsel in **LPA No.413 of 2024** and **LPA No.416 of 2024**.

9. Apparently, the learned Single Judge also chose to

segregate the matters and passed separate orders, keeping in view the controversy involved and thus rejected the claim of the appellant, who was challenging the decision dated 27.06.2018 (Annexure A/13) whereby her representation stood rejected and the decision of the Sub Committee on Service matters dated 29.03.2017 had been upheld. She was seeking the benefit of promotional regularization at par with another set of employees from 02.12.2012. It is not disputed that her services already stood regularized on 29.03.2017 and the said order was never challenged by the appellant and thereafter she had sought regularization from an earlier point of time i.e. w.e.f. 2012. The regularization had been done in pursuance of the earlier directions of the Tribunal on 21.12.2016 and in such circumstances, the learned Single Judge had also chosen not to grant any indulgence as such by noting that the directions of the Tribunal on the earlier occasion was specific to keep six sanctioned posts of JEEs and four sanctioned posts of JSAs vacant, against which the appellant could be regularized.

10. The appellant having accepted the regularization order could not claim regularization with earlier effect from 02.12.2012 once there was no such prayer in the earlier occasion when she had approached the Tribunal and therefore, we are of the considered opinion that once the appellant had been negligent to the extent of

pursuing the remedy in a proper manner, no sufficient cause is made out to condone the delay.

11. We have referred to the merits as such of the case only keeping in view the fact that the Apex Court in ***Sheo Raj Singh (deceased) through LRs Vs Union of India, (2023) 10 SCC 531***, had held that merits have also to be briefly tested. Once the appellant had been grossly negligent and had acted leisurely and had not chosen to challenge the orders expeditiously and has sought to file Review and once the review had been decided on 08.04.2025, merely on the ground of pendency of the other connected matters, liberty cannot be granted to condone the delay. As contended by the counsel, if the matters were identical, the learned Single Judge would have then decided them together, since admittedly all of them were decided on 14.05.2024.

12. The observations of the Apex Court in ***Oriental Aroma Chemical Industries Ltd. Vs. Gujarat Industrial Development Corporation (2010) 5 SCC 459***, would thus come into play, while also keeping in mind the observations in ***B. Madhuri Goud versus B. Damodar Reddy, (2012) 12 SCC 693***, that the life span of each legal remedy is fixed and it is not for the litigant, at his or her own convenience, to keep filing the appeals as and when he or she so feels.

13. Having failed to justify her inaction after the dismissal of the review petition, and the appeal being filed thereafter, after a period of three months, even though knowing that earlier matters were already pending, it would further go on to show the laxity as such on behalf of the appellant. Resultantly, we do not find any plausible reason to condone the delay in the peculiar facts and circumstances of the case.

14. Accordingly, the application for condonation of delay is dismissed and the appeal has to necessarily follow the same fate. Needless to say that any observations made herein are only for the purpose of deciding the present application for condonation of delay and would not as such come handy for the State to dislodge the other appeals which are pending.

15. Pending application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

29th December, 2025

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(Bipin C. Negi)
Judge