

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.20153 of 2025

Date of Decision: 30.12.2025

Aruna Joshi

.....Petitioner

Versus

State of Himachal Pradesh & another

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? Yes.

For the Petitioner: Mr. Y.K. Thakur, Mr. Bhanu Verma and Mr. Ritik Prashar, Advocates.

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

Sandeep Sharma, Judge(oral):

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

- “a. Impugned Office order Annexure P-1 may please be quashed and set-aside however the Annexure P-2 may please be upheld and confirmed;*
- b. Petitioner is eligible and entitled for the benefits given in the CWPOA No.1695 of 2019 titled Ajay Kumar Thakur and others vs. State of Himachal Pradesh and others, decided on 04.10.2024 as referred in Annexure P-8 and in CWPOA No.292/2020, titled HP School Lecturer Association & others vs. State of Himachal Pradesh and others. Relief granted in said judgments may also please be awarded/granted/approved in favour of the petitioner;*
- C. The petitioner may please be granted arrears, alongwith outstanding consequential benefits.”*

2. Before reply, if any, could be received from the respondents, learned counsel representing the petitioner, while referring to judgment dated 04.10.2024 passed by Co-ordinate Bench of this Court in CWPOA No.1695 of 2019, titled **Ajay Kumar Thakur & others vs. State of Himachal Pradesh and another**, states that the issue otherwise sought to be decided in the instant proceedings already stands adjudicated in afore judgment and as such, petitioner would be content and satisfied in case directions are issued to the respondents to consider and decide the case of the petitioner in light of aforesaid judgment. Learned counsel representing the petitioner states that though petitioner has already filed representation, praying therein for making judgment passed in **Ajay Kumar Thakur** case (supra) applicable in the case of the petitioner, but till date, nothing has been done and as such, petitioner is compelled to approach this Court in the instant proceedings.

3. While putting in appearance on behalf of the respondents, Mr. Rajan Kahol, learned Additional Advocate General, fairly states that he shall have no objection to aforesaid innocuous prayer made on behalf of the petitioner.

4. Having carefully perused the averments contained in the petition, which is duly supported by an affidavit, especially relief clause vis-à-vis judgment sought to be relied upon, this Court has no

hesitation to conclude that the issue otherwise sought to be decided in the instant proceedings already stands adjudicated in **Ajay Kumar Thakur** case(supra) and as such, no prejudice, if any, shall be caused to either of the parties in case directions are issued to the respondents to consider and decide the case of the petitioner in light of aforesaid judgment.

5. However, before issuing such direction, this Court deems it appropriate to observe that once a particular relief is granted to an employee, similarly situated and identically placed employees are not required to approach the Court separately for the same relief, rather in such like situation, department is under obligation to extend such relief to other similarly situate persons. Reliance in this regard is placed upon the judgment passed by Hon'ble Apex Court in **State of Uttar Pradesh and others vs. Arvind Kumar Srivastava and others**, (2015)1 Supreme Court Cases 347. The relevant para of aforesaid judgment reads as under:-

“**22.1.** The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly

situated persons did not approach the Court earlier, they are not to be treated differently.”

6. Consequently, In view of the above, the present petition is disposed of with a direction to the respondents to consider and decide the case of the petitioner in light of judgment passed by Co-ordinate Bench of this Court in **Ajay Kumar Thakur** case(supra) expeditiously, preferably within a period of four weeks. Needless to say, authority concerned, while doing the needful in terms of instant judgment, shall afford an opportunity of being heard to the petitioner and pass appropriate order, taking note of the observations made hereinabove as well as law laid down by the Hon'ble Apex Court in **Arvind Kumar Srivastava** case(supra) and in the event of petitioner's being found similar situate to the **Ajay Kumar Thakur** case (supra), he shall be granted similar benefits expeditiously, Pending applications, if any, also stand disposed of.

**(Sandeep Sharma),
Judge**

December 30, 2025
(shankar)