

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.816 of 2017

Date of Decision:- 19.09.2026

State of Himachal Pradesh and Others Petitioners

Versus

Ranjeev Sharma Respondent

Coram

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

The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the Petitioners : Mr. Gobind Korla, Additional Advocate General.

For the Respondent : Mr. Rajesh Kashyap, Advocate.

G.S. Sandhawalia, Chief Justice (Oral)

The petitioners-State seeks consideration of the order passed by the erstwhile Himachal Pradesh State Administrative Tribunal, Shimla, in T.A. No.4332 of 2015, titled as ***Sh. Ranjeev Sharma Vs. State of Himachal Pradesh and Others***, which was initially filed before this Court having CWP No. 8782 of 2012 and thereafter, was transferred to the Administrative Tribunal. It was decided in favour of the employee on 26.06.2015, wherein, directions were given to the respondents/competent authority to grant the benefit of

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

regularization to the applicant notionally with effect from 01.04.2012, but without any arrears. It was further held that he would be entitled to notional increments, if any, for the period from 01.04.2012 to 03.04.2014, and his seniority was to be reckoned with effect from 01.04.2012.

2. The said order dated 26.06.2015 was passed by the Tribunal, without quashing the order dated 06.10.2012 (**Annexure P-15**), which was the subject matter of the challenge. By way of that order, the petitioners-State had rejected the employee's request to count his initial service as a Junior Engineer on daily wages from 01.04.2004 to 27.06.2007 for the purpose of regularization, given that he had subsequently been appointed on a contractual basis on 27.06.2007. It is pertinent to notice that the respondent-employee had already been granted the benefit of regularization on 03.07.2014, whereby he was offered the post of Junior Engineer on a regular basis in the pay scale of Rs. 10300–34800 + Rs. 3800/- Grade Pay, with an initial basic pay of Rs.14,590/-.

3. It is pertinent to mention that CWP No.8782 of 2012, titled as **Sh. Ranjeev Sharma vs. State of Himachal Pradesh and Others**, was filed on 08.10.2012 (**Annexure P-4**). During the pendency of the proceedings, the benefit of regularization was

granted on 03.07.2014 to the respondent-employee and the said aspect was never taken into consideration by the erstwhile Tribunal. The said writ petition was filed on the strength of the policy dated 31.12.2012 (**Annexure P-13**), which provided that Daily Waged/Contingent Paid Workers in all departments who completed 7 (seven) years of continuous service (with a minimum of 240 days in a calendar year, except where specified otherwise for tribal areas) as on 31.12.2012 could be regularised only against vacant posts. The petitioner-respondent herein was already appointed on a contract basis on 26.06.2007 by that time and was, therefore, covered by a policy of the same date, 31.12.2012 (**Annexure P-9**), which required six years of contractual service as on 31.03.2012.

4. Prior to that, the petitioner/respondent-herein had filed **CWP No.7673 of 2012-H**, titled as **Sh. Ranjeev Sharma Vs. State of Himachal Pradesh and another**, which was decided on 12.09.2012 (**Annexure P-14**) with directions to the State to consider his case. Resultantly, an order was passed on 06.10.2012 (**Annexure P-15**), whereby the State had rejected the case of the petitioner/respondent-herein on the grounds that he was not covered under the government policy/rules, and that his daily-wage service period could not be clubbed with his

contractual service for the purpose of regularization under the existing regular policy.

5. In the reply filed, the stand of the State was very categorical, the petitioner was working on a contract basis, and daily-wage work was governed by industrial law, whereas contractual work was governed by the service rules under the policy framed and circulated from time to time. Furthermore, the service periods of daily-wage and contract employment could not be clubbed for the purpose of regularization. It was specifically mentioned that engagement on a daily-wage basis was neither approved by the Finance Department nor made by any Selection Committee ensuing the appointment, moreover, the application of the 2017 Rules was admitted.

6. The regularisation of the petitioner/respondent herein was to be considered from a prospective date, subject to the fulfillment of the Rules and the availability of a vacancy. Resultantly, the case could not be considered for regularization under the daily-wage policy and was not covered by it. This aspect was never dealt with by the Tribunal, which apparently passed the order merely on the concession held out by the petitioner that he would not claim any retrospective benefits and

would only claim relief on a notional basis, and would not claim arrears.

7. On account of the order dated 10.09.2025, the record was produced. We have perused the record and noted that during the Departmental Promotion Committee (DPC) meeting held on 03.07.2014, the petitioner's case was considered along with others. It was observed that he was appointed on a contract basis on 28.06.2007 and was entitled to regularization. Resultantly, the State extended the benefits to him in accordance with the policy dated 28.06.2014 (**Annexure P-2**), which was in vogue at the time, as he had completed six years of service as on 31.03.2014.

8. The said policy dated 28.06.2014 (**Annexure P-2**) provides for the regularization of contractual appointees upon the completion of six years of service as on 31.03.2014. Furthermore, Clause 10 of the policy stipulates that regularization is to take prospective effect, specifically from the date of issuance of the regularization orders, while Clause 6 provides for the constitution of a Screening Committee within the concerned department to oversee the regularization process. Thus, the necessary procedures were followed, and the benefits were duly granted to the petitioner. Since the petitioner had chose not to

challenge the order of regularization dated 03.07.2014, which was passed during the pendency of the proceedings, it was necessary for the Tribunal to note that a formal challenge was required. The Tribunal could not have granted the said benefit while the order remained on record, nor could it pass the order dated 26.06.2015 in a manner that runs *dehors* the policy.

9. It is also pertinent to notice that ***Review Petition No.9 of 2016*** in ***TA No.4332 of 2015***, titled as ***State of Himachal Pradesh and others Vs. Sh. Ranjeev Sharma***, was filed by the State seeking a review of the order dated 26.06.2014, which was dismissed on 15.07.2016. In the said petition, the State raised a specific plea that the respondent-employee had been appointed on a contract basis on 28.06.2014 and was regularized on 03.07.2014, thereby placing him outside the scope of the policy. However, the Tribunal observed that no such evidence had been brought on record, and concluded that the case did not involve any error or mistake apparent on the face of the record.

10. We are of the considered opinion that for the benefit of regularization, the law is crystal clear, as per the law laid down by the Constitution Bench of the Apex Court in ***Secretary, State of Karnataka Vs. Umadevi (2006) 4 SCC 1*** and followed in

Union of India v. Ilmo Devi (2021) 20 SCC 290, that this benefit can only be granted on the basis of a policy and therefore, an employee cannot seek regularization *dehors* the policy. The relevant para reads as under:-

“17. Applying the law laid down by this court in the aforesaid decisions, the directions issued by the High Court in the impugned judgment and order, more particularly, directions in paras 22 and 23 are unsustainable and beyond the power of the judicial review of the High Court in exercise of the power under Article 226 of the Constitution. Even otherwise, it is required to be noted that in the present case, the Union of India/Department subsequently came out with a regularisation policy dated 30.06.2014, which is absolutely in consonance with the law laid down by this Court in the case of Umadevi (supra), which does not apply to the part-time workers who do not work on the sanctioned post. As per the settled preposition of law, the regularization can be only as per the regularisation policy declared by the State/Government and nobody can claim the regularisation as a matter of right dehors the regularization policy. Therefore, in absence of any sanctioned post and considering the fact that the respondents were serving as a contingent paid part-time Safai Karamcharies, even otherwise, they were not entitled for the benefit of regularisation under the regularisation policy dated 30-06-2014.”

11. In the present case, the petitioner/respondent herein was subsequently appointed on a contractual basis on 26.06.2007 and resultantly, he was only entitled to claim

regularization as per the policy applicable to contractual employees. After due consideration by the Departmental Promotion Committee (DPC), he was duly granted this benefit on 03.07.2014. Thus, the benefit granted by the Tribunal, which is *dehors* the policy and clubbed the daily-wage period is impermissible as no such policy exists, for the employee to claim the said relief.

12. Resultantly, we are of the considered opinion that both the orders dated 26.06.2015 (**Annexure P-I**) and 15.07.2016 (**Annexure P-6**) passed by the erstwhile Tribunal are not sustainable. Accordingly, the present writ petition is allowed and the said orders are set aside.

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

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

19th September, 2026
(Munish Thakur)