

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

**CMP.M No. 179 of 2026
Decided on : 10.07.2026**

State of Himachal Pradesh and another

...Applicants/Petitioners

Versus

Una District Chemists & Druggists Alliance (UDCDA) and others

...Respondents

Coram

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

The Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the applicants/ : Mr. Rakesh Dhaulta, Additional
petitioners Advocate General.

For the respondents : Mr. Manohar Lal Sharma, Advocate,
for respondents No.2 to 4.

G.S. Sandhawalia, Chief Justice (Oral)

The present application by the State has been filed for condonation of delay in filing the Review Petition, seeking review of the judgment passed in ***Civil Writ Petition No. 4753 of 2020***, titled ***Una District Chemists & Druggists Alliance (UDCDA) Vs. State of Himachal Pradesh and others***, dated 17.08.2021 (Annexure P2/I), whereby while allowing the writ petition, the award of tender to respondent No.6 was quashed. The said respondent was directed to hand over the vacant possession and directions were also issued against respondents No.4 and 5, namely, the Medical Superintendent and the Chief

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

Medical Officer, respectively, not to deal with any financial matter in any respect whatsoever, henceforth and an inquiry was also to be conducted including criminal proceedings to be completed, for causing financial irregularities, including offences regarding breach of trust and other related Sections of the India Penal Code.

2. The matter was listed for 23.08.2021, for compliance. The present Review Petition is thus barred by as many as 4 years and 139 days, since, apparently, only on 21.06.2024, observation had been made that the only remedy was to file the Review Petition or an SLP, which had not been done at that stage.

3. A perusal of the original file would go on to show that since the compliance report was being asked for, the matter had been pending before this Court. On 15.05.2023, the Coordinate Bench had observed that modification of Para 18 had been sought and, therefore, it was at the behest of the Director, Health Services with a clear intent to shield the erring officers/officials, who had violated the law.

4. Further adverse order was passed on 22.05.2023 that the inquiry conducted was in disregard and in derogation to the judgment passed and a fresh team of inquiry officers were directed to be appointed and the inquiry was directed to be

completed before the next date of hearing.

5. On 21.06.2024, the application was dismissed by noticing that the remedy was either to file a Review of the said order or to challenge it in SLP before the Hon'ble Supreme Court. It was in such circumstances that apparently because the passing reference was made regarding the filing of the Review, the present Review Petition had been filed. As the limitation period had long expired and no SLP had been filed, we are of the considered opinion that only on account of the compliance, the matter had been put up before this Court time and again and certain orders were passed thereafter, giving opportunity to the State to comply and they had no intention to file an SLP or a Review to challenge the order.

6. Even otherwise, we are of the considered opinion that the State cannot be agitated against the said order, since there was a finding recorded that the auction proceedings were conducted without any public notice, as noted in Paragraph No.10 of the said order and on previous allotment, tender notice had been duly published in various Newspapers. In such circumstances, the tender had been set aside as due opportunity had not been given to the General Public. We fail to understand in what manner the State can be aggrieved against such directions, which had been issued against quashing of the order.

7. Accordingly, we do not find any ground to condone the delay, therefore, the application for condonation of delay is dismissed. Resultantly, the Review Petition would meet the same fate. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Jyotsna Rewal Dua)
Judge

July 10, 2026
(Shivank Thakur)