

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**LPA No. 3 of 2018 and CWP
No. 1842 of 2022
Decided on : 19.09.2026**

1. LPA No. 3 of 2018

The Senior Executive Engineer,
Electrical Division

...Appellant

Versus

Mansa Ram

...Respondent.

2. CWP No.1842 of 2022

H.P. State Electricity Board Limited and Anr.

...petitioners

Versus

Mansa Ram

...Respondent.

Coram

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

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

Whether approved for reporting?¹

For the appellant(s) : Mr. Sunita Sharma, Sr. Advocate with Ms. Manish Kumari and Ms. Harshita Dogra, Advocates, for the appellant in LPA No. 3 of 2018.

For the respondent(s) : Mr. Virender Thakur, Sr. Advocate with Ms. Yamini and Ms. Shruti, Advocates.

G.S. Sandhawalia, Chief Justice (Oral)

LPA No. 3 of 2018

The State is in appeal against the order passed in ***Civil***

Writ Petition No. 6280 of 2014, titled The Senior Executive Engineer

¹ *Whether the reporters of the local papers may be allowed to see the Judgment? Yes*

vs. Mansa Ram, decided on 15.11.2016, whereby challenge to the award dated 6th October, 2012 (Annexure P-6) of the Labour Court and the subsequent order dated 14th January, 2014 (Annexure P-8), on the issue of limitation under Issue No. 4, which was decided against the Board, was upheld.

2. It is pertinent to notice that Civil Writ Petition No. 850 of 2016 filed by the workman, Mansa Ram, was also dismissed, whereby the said award was upheld, which had declined, as such, to grant back wages to the employee in question on account of the fact that his termination was on 21st August, 1994, and it could not be believed that he remained without employment as the reference had only been made in 2007 and, therefore, he was held to have been gainfully employed and not entitled to back wages. The employee has not preferred any appeal against the said order. Similarly, it is also a matter of fact that by virtue of the dismissal of the writ petition on 15th November, 2016 (Annexure P-4), the workman, as such, had been reinstated in the year 2016 itself.

3. Learned counsel for the appellant has placed reliance upon the judgment in **Civil Appeal No. 15184 of 2025, State of Uttar Pradesh v. Krishna Murari Sharma, decided on 17.12.2025**, to submit that a lump-sum compensation should be awarded on account of the fact that there was a delay in seeking the reference and, therefore, sought to challenge the order passed by the learned Single Judge.

4. We are of the considered opinion that there is no ground, as such, to interfere with the well-reasoned order passed by the learned

Single Judge. It is to be noticed that, as a matter of fact, the initial award was dated 6th October, 2012, wherein the Labour Court, Shimla, had come to the conclusion that the employee, as such, had worked for 240 days in a calendar year and he had been engaged way back on 26th March, 1982.

5. The stand of the Board that he had himself abandoned the job, was examined on the basis of the evidence of RW-1/A, pages 25 to 28, and it was held that the petitioner had not been working for 240 days in the calendar year and, accordingly, it was held that there was no violation of Section 25-F. However, the plea that he had left the job on 20.08.1994 was not accepted and, since the workman had been served notice Exhibit RW-1/B, and the Board had issued notice asking him to join duties, but there was nothing on record to show that the said notice had been served upon the workman, accordingly the plea was not found acceptable.

6. It was further found that, as per the seniority list, other workers had been engaged after 20.08.1994 and the statement of the employee also would on to show that he had not been engaged thereafter. Resultantly, it was held that there was violation of Section 25-H and the termination order was illegal and reinstatement, accordingly, was directed. However, on account of the delay, as such, in preferring the reference in the year 2007, back wages were denied on the ground that the employee was not entitled to back wages, as it could not be believed that he had remained without employment during the

intervening period and, therefore, he had been given the benefit of seniority and experience.

7. As regards Issues No. 2 and 4, relating to delay and laches, there were no specific findings recorded. Rather, it was held that there was no question of delay and laches. The Board had preferred ***Civil Writ Petition No. 5344 of 2013, titled The Senior Executive Engineer (HPSDB) vs. Mansa Ram***, which had been allowed on 5th November, 2013, and directions had been issued to decide Issue No. 4, leaving the factum of the other issues to be considered in appropriate proceedings.

8. The Labour Court thereafter, by a reasoned order, came to the conclusion that keeping in view the provisions of Section 10, the issue could be raised at any time, and placing reliance upon the decision by the Apex Court in ***Western India Match Co. Ltd. vs. Western India Match Co. Workers' Union and others, (1970) 1 SCC 225, and Gurmail Singh v. Principal, Government College of Education and Others, (2000) 9 SCC 496***, held that the reference was not barred by delay and laches and answered Issues No. 4 and 5 against the Board. In such circumstances, the learned Single Judge has also upheld the said finding on the ground that under Article 226 of the Constitution of India, the scope of interference is limited, placing reliance upon the judgment in ***Bhuvnesh Kumar Dwivedi vs. M/s Hindalco Industries Ltd., (2014) 11 SCC 85***, and the principles governing judicial review of such orders.

9. In such circumstances, we are of the considered opinion that, as per the record itself, juniors had been engaged and the findings

recorded with regard to violation of Section 25-H are not liable to be interfered with. The interest of the Board has been duly protected and the workman had not been awarded back wages for the reasons recorded by the learned Single Judge as well as by the Labour Court. Therefore, there is no ground, as such, to interfere in the present appeal.

10. The judgment, as such, in ***State of Uttar Pradesh v. Krishna Murari Sharma*** (supra) is not in similar circumstances, since apparently he has been working regularly now for the last 10 years, and at this stage, directing the appellant not to grant him any consequential benefits and to award compensation would not meet the ends of justice. Otherwise, ***in State of Uttar Pradesh v. Krishna Murari Sharma (supra)***, the Apex Court held that the Labour Court had moulded the relief, as such, and that the High Court had interfered with the well-reasoned order and awarded back wages for the long period of delay. Accordingly, reinstatement and seniority were denied and compensation had been ordered.

11. The present appeal is thus accordingly dismissed. Pending miscellaneous applications, if any, also stands disposed of.

CWP No. 1842 of 2022

12. Similarly, in Civil Writ Petition No. 1842 of 2022, the Board has challenged the order of the erstwhile Tribunal passed in favour of the same workman in O.A. No. 1667 of 2019, titled *Mansa Ram vs. HPSEB Limited and another*, decided on 10.05.2019, whereby directions had been issued to consider the case of the petitioner for regularization on

completion of 8 years of service with all consequential benefits, in accordance with law, within two months from the date of production of a certified copy of this order before the respondents.

13. The Board was aggrieved by the grant of consequential benefits, as the Tribunal had noticed the fact that the award had been passed in favour of the workman on 6th October, 2012, but, in spite of that, directions had been issued for consideration of all consequential benefits.

14. When the order was passed by the Tribunal on 10.05.2019, the award dated 6th October, 2012 and the subsequent order dated 14th January, 2014 on Issue No. 4 had already been passed. Issue No. 4 had accordingly been decided and it was held that the reference, as such, was within time and was not barred by delay and laches. Thereafter, even the order dated 15th November, 2016 in CWP No. 6280 of 2014, titled *The Senior Executive Engineer vs. Mansa Ram*, a/w connected matter, had been passed, whereby the writ petition had been dismissed by the learned Single Judge.

15. The Tribunal failed to take into consideration the aforesaid orders, as well as the fact that the aspect of back wages had also been dealt with in favour of the Board but directed that the benefit of consequential benefits be granted accordingly.

16. Accordingly, we dispose of the present Writ Petition with a direction that the workman shall be entitled to reinstatement, seniority and continuity of service, and shall be considered for regularization as

per the policy on completion of eight years only and not any back wages for the period he remained out of service. The necessary order shall be passed within a period of two months from the date of receipt of a certified copy of this order by the respondents.

The Writ Petition is disposed of in the above terms. Pending miscellaneous applications, if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

19th September, 2026
(Tarun Singh)