

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.377 of 2026

Date of Decision : 07.07.2026

Kedar Singh

..... Appellant

versus

State of Himachal Pradesh and others

..... Respondents

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 appellant : Mr. A.K. Gupta, Advocate.

For the respondents : Mr. Arsh Rattan, Deputy Advocate General.

G.S. Sandhawalia, Chief Justice (Oral)

Consideration sought in the present appeal is to the judgment, passed by the learned Single Judge, in **CWP No.3110 of 2021**, titled **Kedar Singh vs. State of Himachal Pradesh and others**, dated 28.02.2026, whereby the learned Single Judge has dismissed the writ petition on the ground that the engagement, as such, was on daily wage basis w.e.f. 01.01.1990 and, thereafter his services were regularized in the month of January, 2000.

2. The prayer as such for treating the entire service of the petitioner as regular employee from the initial appointment on part time

basis with all consequential benefits had been sought in the writ petition. The learned Single Judge was of the considered opinion that the petitioner was never appointed against a post exclusively reserved for physically disabled person and neither had shown any document that the process was initiated to fill up such post of reserved category and that he had participated in the said process and was selected. The services of the petitioner having been regularized in the month of January, 2000 and, therefore, reliance upon the other judgment as such did not have any bearing both factual or legal and, resultantly the writ petition was dismissed.

3. Perusal of the paper book would go on to show that apparently after having been appointed way back in the year 1990, the petitioner was granted the benefit of regularization/work charge status w.e.f. 01.01.2000 on the basis of the law laid down by the Hon'ble Apex Court, in the ***Mool Raj Upadhyaya vs State Of H.P., 1994 SCC, SUPL. (2) 316.*** There was no protest as such at the time of regularization. Apparently, during the period of his service in November 2003, the petitioner had been issued the Disability Certificate issued by the Medical Board Zonal Hospital Nahan, District Sirmour, Himachal Pradesh regarding 75% disability due to low vision on account of a disease called "Chorioretinitis".

4. It has been mentioned in the reply that an additional allowance of Rs.750/- on account of the said disability was being

granted to the petitioner and in such circumstances, the State had contested that the petitioner was carrying out various field works in the respondent-Department at the time of his appointment and on account of his deteriorating health condition, he had been deployed in the Office and assigned light duties. Thus, he was also drawing the necessary amount of Rs.750/- as a monthly physically handicapped allowance and his claim as such to treat him as a regular employee on the basis of being a reserved candidate, was being contested.

5. We are of the considered opinion that the learned Single Judge was well justified in dismissing the petition. Apparently, initially there was no such disability and the same had only arisen much later during the course of his service, which is clear from his Disability Certificate, which itself is dated 01.11.2003, three years after his regularization and for that, he was drawing some additional allowance, also. This fact has never been brought to the notice of the Court as such, rather a cursory writ petition was filed claiming the benefit of being disabled person at the time of the regular selection and he even concealed the manner and nature in which he had suffered the disability.

6. The writ petition was thus filed in the year, 2021 at the belated stage after being satisfied with the regularization order passed in the year 2000, whereas the regularization was way back 20 years earlier and, therefore, even otherwise also, the cause of action, if any,

had arisen much earlier in the year, 2003. In such circumstances, we do not find any plausible reason to interfere in the well reasoned judgment passed by the learned Single Judge and the appeal is accordingly dismissed.

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

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

July 07, 2026 (KS)