

**Nitin Thakur vs. State of H.P. & Others a/w
connected matters.**

**Ex. Pet No.1 of 2026 a/w Ex. Pet. Nos.2, 3, 4, 18,
1310 of 2026 and LPA No. 775 of 2025**

Item No.D-6

07.08.2026 Present: Mr. Sunil Mohan Goel, Senior Advocate with Mr. Chandranarayana Singh, Dr. Nidhi Singh, Anshul Gandhi and Mr. Ramesh Kumar, Advocates, for the petitioner(s), in Ex. Petition Nos.1 to 4 and 1310 of 2026.

Ms. Shine Sehgal, Advocate, for Mr. Mohar Singh, Advocate, for the petitioner in Ex. Pet. No.18 of 2026.

Mr. Pranay Pratap Singh, Additional Advocate General, for the respondents-State in Ex. Petition Nos.1 to 4, 18 and 1310 of 2026.

Mr. C. Palarasu, IAS, Secretary (Horticulture) and Mr. Dhruv Shaunak, L.O (Horticulture), to the Government of H.P., present in person.

Mr. Pranay Pratap Singh, Additional Advocate General, for the appellants-State in LPA No.775 of 2025.

Mr. Chandranarayana Singh, Dr. Nidhi Singh, Anshul Gandhi and Mr. Ramesh Kumar, Advocates and Mr. Tek Chand, Advocate, for the respective respondents in LPA No.775 of 2025.

Mr. C. Palarasu, Secretary (Horticulture) to the Government of Himachal Pradesh, is present in person, in pursuance of the last order.

2. Counsel for the State has prayed for more time to comply with the order dated 12.11.2025, wherein it had been specifically directed that the State shall not dispense with the services of the writ petitioners and they shall be allowed to continue to serve on the same terms and conditions since they have been serving the State since the year 2019. However, the operation of the judgment

qua the regularization aspect had been stayed while admitting the appeal.

3. Apart from paying lip service, the State is only delaying the implementation of the said order, which had been passed balancing the rights of the both State and the writ petitioners, who are before us. We had issued notices in the execution petitions on 07.01.2026, where we had specifically made it clear that there would be initiation of the contempt action against the concerned officials for violation of the clear directions of this Court as we had in our opinion granted reasonable relief to the State also in its Letters Patent Appeal.

4. In its relentless litigative mood, the State had gone to the Apex Court in SLP(C) No. 3483 of 2026, titled, ***State of H.P. and others vs. Nitin Thakur and others***, wherein the SLP was dismissed with liberty to move before this Court, as the Apex Court had mentioned that it had not been persuaded to interfere. The order of the Apex Court dated 30.04.2026 reads as under:-

“Heard learned counsel for the parties.

2. An offer has come from the respondents that the matter be remanded, as it is only an interim arrangement.

3. Having considered the matter in its entirety and taking into consideration the fact that the order impugned is interim in nature, we are not persuaded to interfere. The Special Leave Petition stands dismissed.

4. We make it clear that we have not expressed any opinion on the merits of the matter.

5. However, in the interest of justice and equity, it shall be open to the petitioners to move before the High Court for modification of the order granting interim stay in the matter. If

the same is done we are confident that the High Court would take up the matter and decide the same within two months from the date of filing of the petition. Further, in the event of any adverse order. Liberty is given to the petitioners to move before this Court again.

6. *Pending application(s), if any, shall stand disposed of."*

5. Keeping in view the order of the Apex Court, an application for modification of the order in LPA No.775 of 2025, out of which Execution Petition No.1 of 2026 arose, was filed. The said application was dismissed on 03.07.2026 by passing a detailed order, which reads as under:-

"CMP No.12572 of 2026

This application has been filed for modification of interim order dated 12.11.2025, passed by this Court in LPA No.775 of 2025.

2. *Vide detailed order, we had noticed that the successful writ-petitioners had been appointed on 16.11.2019 as Junior Engineers (Civil) purely on temporary basis for a World Bank funded project for a period of 11 months and thereafter, the contracts have been extended time and again. The regularization was thus sought on account of the policy dated 28.12.2021 in the Horticulture Department and accordingly, on that basis, the learned Single Judge had allowed the writ petition for the relief of regularization, which was subject matter of consideration.*

3. *Balancing the equities of the State and the employees, we had admitted the appeal for regular hearing, while directing that the State should not dispense with the services and the writ-petitioners would continue to serve on the same terms and conditions. The relevant portion of order dated 12.11.2025 reads as under:-*

"9. However, keeping in view the fact that the writ petitioners have been serving the State since the year 2019, we deem it appropriate that the State shall not dispense with their services and writ petitioners shall continue to serve on the same terms and conditions. Needless to say, that since writ petitioners have been paid on contractual basis, the State will be under bounden duty to pay all the said persons and utilize their services. Further, it is open to the State to utilize the services of the writ petitioners/ employees in any other similarly situated projects."

4. The employees immediately represented to the State as such on 13.11.2025 for the benefits and apparently, the State sat on the said issue. On filing of Execution Petition Nos.1 to 4 of 2026, we had passed an order on 07.01.2026 that contempt proceedings would be liable to be issued. It was in such circumstances that the State then chose to file an SLP before the Apex Court against the interim order dated 12.11.2025, passed in LPA No.775 of 2025.

5. In the first hearing, counsel for the writ-petitioners/respondents before the Apex Court had given a concession that they would not press the execution application and eventually, on 30.04.2026, the Apex Court has dismissed the SLP on the ground that the same is against an interim arrangement and liberty was granted to the petitioners to move before us for modification of the order and if the same was done, it was directed to decide within two months from the date of filing of the petition. It was in such circumstances that the application for modification has been filed.

6. The grounds as such now taken in the application are on account of the fact that the project has been closed down and there are no funds available with the Society. In such circumstances, the modification is sought of the directions passed on 12.11.2025 for recall of the order.

7. Learned Advocate General has thus submitted that the direction/protection given in para 9 of the said order should be modified. We are of the considered opinion that the said prayer is not liable to be accepted, keeping in view the fact that apparently the Apex Court in para No.13 of SLP (Civil) No.30762 of 2024 titled as **Bhola Nath vs. The State of Jharkhand and others**, decided on 30.01.2026 has highlighted the issue of legitimate expectation of the employees while referring to the Constitution Bench judgment in **State of Karnataka and others vs. Umadevi and others, (2006) 4 SCC 1**.

8. In LPA No.841 of 2025 titled as **State of H.P and others vs. Bhupinder Singh Mehta and others**, decided on 17.03.2026, we have also upheld the regularization of the similarly situated Computer Operators appointed on contract basis, when the employees were initially appointed in the Upper Satluj Valley Watershed Development Society, by noticing that the Society in question as such was performing Governmental functions and mainly funded by the national body, which in that case, was the Compensatory Afforestation Fund Act ('CAMPA') and upheld the judgment of the learned Single Judge.

9. Learned Advocate General has referred to the basic appointment order dated 16.11.2019 (Annexure P-4), whereby the appointments as such were made purely on temporary basis in the Department of Horticulture under the World Bank funded HPHDP only for the project period.

Apparently, it was in such circumstances that the learned Single Judge had directed the regularization in the Department of Horticulture on account of the fact that the shortlisted candidates had been accordingly appointed not only as such in the Society, but it was being done under the aegis of the Department of Horticulture.

10. Resultantly, we do not find any plausible reason as such to modify para 9 of the objectionable part of the order in the peculiar facts and circumstances of the case. We had thus balanced the interests of both the writ-petitioners and the State. Had we not granted stay, the State would have been constrained to pay a further financial outlay of the benefits of regularization, may be subject to the decision of the LPA, but the employees having working diligently for over a period of last seven years, cannot be left in limbo and, therefore, we had only asked that they should be allowed to carry on the work. It is not disputed that the State has various avenues where the set of employees can be adjusted, if the state so wishes, but the State as such is apparently adamant to continue with its attitude of seeking legal redressal, qua the lowest serving officials.

11. Accordingly, we dismiss the application for modification of order dated 12.11.2025 passed in LPA No.775 of 2025.”

6. The Counsel for the State has also argued that the judgment passed in LPA No. 841/2025, **State of H.P. and others versus Bhupinder Singh Mehta and others**, has been stayed by the Apex Court. To counter the said argument, counsel for the petitioners has placed on record the judgment passed in Civil Appeal No. 13055 of 2025, **Rupesh R. Gaonkar and others versus State of Goa and others**, to point out that the Apex Court has directed regularization of the employees of the PWD Labour Supply Society, while coming to the conclusion that exploitation of contract labour as such cannot be done keeping in view the recent law laid down by the Hon'ble Supreme Court in **Jaggo vs. Union of India**, 2024 SCC

OnLine SC 3826, ***Vinod Kumar vs. Union of India***, (2024) 9 SCC 327 and ***Shripal vs. Nagar Nigam, Ghaziabad***, 2025 SCC OnLine SC 221 and the principles of legitimate expectation.

7. Counsel for the State on instructions of the officer, who is present in person, has further submitted that efforts are being made to adjust the petitioners in other departments as such. To counter the alleged efforts being made by the State, counsel for the petitioners has pointed out that rather another SLP has now been filed against the order, whereby the application for modification of the order was dismissed on 03.07.2026.

8. It is thus apparent that the efforts are genuine only to further file cases rather than comply with the orders of this Court. Resultantly, we have firstly no option but to attach the salary of Mr. C. Palarasu, Secretary (Horticulture) to the Government of Himachal Pradesh, who has come present. The Treasury Officer shall take necessary steps.

9. To come up on **11.09.2026** for compliance.

(G.S. Sandhawalia)
Chief Justice

August 07, 2026
(ankit)

(Jiya Lal Bhardwaj)
Judge