

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMP(M) No.1045 of 2026 in

LPA No.415 of 2026

Date of Decision:- 17.07.2026

Ashish Kumar Pathania and Others

....Appellants

Versus

HPSEBL

....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 Appellants : Mr. Dheeraj Kanwar, Advocate.

For the Respondent : Ms. Sunita Sharma, Senior Advocate with Ms. Harshita Dogra and Ms. Hiaa Sharma, Advocates.

G.S. Sandhawalia, Chief Justice (Oral)

CMP(M) No.1045 of 2026

Keeping in view the averments made in the application, duly supported by an affidavit of Dheeraj Kanwar, Advocate, nominal delay of 03 days in filing the appeal is condoned.

2. The application stands disposed off accordingly.

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

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3. Consideration in the present Letters Patent Appeal is sought to the order passed by the learned Single Judge in ***CWP No.644 of 2024***, titled as ***Sanjay Kumar and others Vs. Himachal Pradesh State Electricity Board Limited***, dated 06.11.2025. The writ petition was filed by the appellants/ unsuccessful writ petitioners, wherein their claim for regular appointment from the date of their initial appointment on a contract basis was dismissed.

4. The learned Single Judge, after assessing the facts of the case had come to the conclusion that the appointment was made under Clause 15.A of the Recruitment & Promotion (R&P) Regulations for the post of Computer Operators on contract basis, and a requisition dated 21.06.2012 (**Annexure RX**) had also been sent to the Himachal Pradesh Subordinate Services Selection Board (HPSSSB), Hamirpur on the prescribed format. The petitioners' having participated in the selection process under the advertisement dated 15.09.2012 for the aforesaid posts, had accepted appointment orders on contract basis on 24.01.2014 (**Annexure P-4**) and received the benefit of regularization three years later on 22.05.2017

(Annexure P-5). Furthermore, their services were confirmed on 18.06.2022 **(Annexure P-6)** and the writ petition was subsequently filed in the year 2024. The learned Single Judge while dismissing the writ petition had held that they were estopped from challenging the earlier selection process of which they were beneficiaries.

5. The learned Single Judge had placed reliance upon the judgment of the Apex Court in ***Bichitrananda Behera Vs. State of Orissa and Others (2023) AIR SCC 5064*** to hold out that delay and laches serve the important purpose of preventing stale claims that disrupt settled rights, relating to the stability and finality of administrative decisions.

6. Reliance had also been placed upon the judgment of the Apex Court in ***Arjun Singh and Others v. State of Himachal Pradesh and Others (2015) 15 SCC 713***, by the appellants which was rightly distinguished. In that case, the requisition for the posts was sent to the Himachal Pradesh Public Service Commission on regular basis, and candidates were to be placed on probation for a period of two years in the regular pay-scale. However, the authorities had issued the appointments on contract basis. Under these circumstances,

the case was allowed by the Apex Court and it was held that such action by the authorities amounts to an unfair employment practice, and is arbitrary and violative of Article 14 of the Constitution of India, while setting aside the judgment of this Court. Accordingly, the writ petition was dismissed, leaving the prayer open regarding relief No. 3(i), which was not pressed. This relief pertained to framing of Recruitment and Promotion (R&P) Regulations commensurate from the initial stage of other cadre posts.

7. Counsel for the appellants has vehemently submitted that the initially posts of Computer Operators had been created in the Pay Scale for regular incumbents in the Pay Band of Rs.10900-34800+3550 Grade Pay in various Units **(Annexure P-2)**. It is thus submitted that the requisition had wrongly been sent to the Secretary, Himachal Pradesh Subordinate Services Selection Board, Hamirpur, to fill up 100 (one hundred) posts of Computer Operator on contract basis in the Himachal Pradesh State Electricity Board Limited (HPSEBL) (hereinafter referred to as the "Rules").

8. Clause 15 of the "Rules" stipulated that appointments on a regular basis can be made on the basis of a

viva-voce test or, if the Board or other authorized/nominated recruiting authority considers it necessary or expedient, by a written or practical test, the standard and syllabus of which will be determined by the Board or the recruiting authority, as the case may be. Further, as per Clause 15-A of the "Rules", selection on a contract basis can be made either by the concerned recruiting agency (i.e., HPSSSB) or a Departmental Selection Committee, as the case may be.

9. The petitioners having gone through the rigorous of the test under the said Regulations, it is thus submitted that because the posts were created within the pay-scale, it was incumbent upon the respondents to appoint them on regular basis.

10. Counsel for the respondent-HPSEBL, on the other hand, has submitted that the judgment in **Arjun Singh's case** (*supra*) was rightly distinguished, as the petitioners had accepted the advertisement of 2012 in question, subsequently applied for the said posts in pursuance of the same, and had obtained the benefits of appointment in 2014 and regularisation in the said pay scale from 22.05.2017, before

being confirmed on 18.06.2022, consequently, they had rightly been found non-suited on account of estoppel.

11. We have gone through the paper-book. It is apparent that the argument raised is misconceived as it is clear from the requisition dated 21.06.2012 (**Annexure R-X**) that the posts of Computer Operators were to be filled on contract basis through direct recruitment by the Board/Department, following the decisions taken by the Service Committee and the Board of Directors of HPSEB Limited in separate meetings.

12. Apparently, in pursuance of the said requisition, the Board had issued Advertisement No.23/2012, through which various posts were to be filled. These were specifically mentioned at Sr. No.21 of the advertisement, where post-code 340 was assigned to a total of 80 posts of Computer Operators to be filled under the Pay Band of Rs. 10900–34800 + Rs. 3550 Grade Pay (Contractual amount Rs.14,450/-). This was in synchronization with the Rules, specifically Regulations 15 and 15-A, which established two categories regular and contractual where the salary was fixed at the minimum Pay

Band of Rs.10900/- + Grade Pay of Rs.3550/-, and Rs.14450/- per month respectively.

13. The advertisement specified the essential qualifications for the post of Computer Operator. Furthermore, under post Code 340 of the said advertisement and the selection process for the posts consisted of an objective-type screening test (MCQs) worth 200 marks and a 30-marks interview for the candidates, who qualify in the screening test. The objective test evaluated candidates on General English (10+2 standard), Hindi (Matric standard), Everyday Science, Logic, Current Affairs, and General Knowledge (including Himachal Pradesh), as well as Information Technology and Computer Science. Thus, it is apparent that the said test was merely a screening test and not the rigorous test of which the standard and syllabus as such had to be determined by the Board or the recruiting agency and fall back on the same cannot be made by the appellants on the same.

14. The advertisement further provided under Clause 7 (General Instructions, sub-clause 8) that candidates selected for appointment to various posts on a contract basis would have to execute an agreement with the concerned appointing

authority, in accordance with the provisions of the Recruitment & Promotion (R&P) Rules for the post in question. Accordingly, the necessary appointment orders were issued on 24.01.2014 **(Annexure P-4)** following the selection of the candidates. Under these orders, the salary was fixed at the minimum of the Pay Band of Rs.10900/- plus Grade Pay of Rs.3550/-, totaling Rs.14,450/- per month, and the appointees were directed to report for duty. This appointment was accepted by the petitioners, who subsequently received the benefit of regularization three years later, in line with the Himachal Pradesh Government Regularization Policy dated 04.05.2017, which had been duly adopted by the HPSEBL on 16.05.2017.

15. They were regularized in their respective pay scales as per the regulations, which was with prospective effect from the said date, when the regularization orders were issued, making them liable to be posted anywhere in the State. The benefit of confirmation of services was thereafter given on the recommendation of the Class-III Departmental Promotion Committee (Ministerial Services) in the entry grade of Computer Operators, effective from the date of the DPC (i.e., 17.05.2022) vide order dated 18.06.2022 **(Annexure P-6)**.

16. Having first accepted the requisition itself and followed by the advertisement way back in the year 2012, and thereafter having accepted the appointment orders in the year 2014, the present appellants' claim, for a regular appointment from the date of the initial appointment does not lie in their mouth at this belated stage after a period of ten years. The learned Single Judge has rightly relied upon the judgment, as noticed above, on the principle of delay, laches and acquiescence, which is to be applied more strictly in service matters.

17. In such circumstances, we are of the considered opinion that there is no scope to interfere with the well reasoned order dated 06.11.2025, passed by the learned Single Judge. Resultantly, the present appeal stands dismissed.

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

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

17th July, 2026
(Munish Thakur)