IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.11417 of 2026
Decided on 13th July 2026

Union of India and another

…Petitioners

Versus

Sh. Gaurav Sharma

…Respondent

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

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

[1]Whether approved for reporting?

For the petitioners: **Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate.**

For the respondent: **Ms. Babita Chauhan, Advocate.**

Ajay Mohan Goel, Judge *(Oral)*

With the consent of the parties, the case is being taken up for consideration at this stage itself.

2. By way of this petition, the Union of India has assailed the order dated 30.01.2026, passed by the learned Central Administrative Tribunal, Chandigarh, in terms whereof, the original application filed by the respondent/original applicant has been disposed of in the following terms:-

> *"Thus, in view of the aforesaid judgment of the Hon'ble Apex Court in the case of Jaggo versus UOI (supra) and the fact that the respondents are availing their services continuously as stated above, the OA filed by the applicant is hereby allowed and the respondents are directed to consider the case of the applicant for regularization in view of the services rendered by him as per the judgment and the continuity of services with the respondents irrespective of their nature of employment. The respondents are further directed to consider the case of the applicant and if found eligible, the same be done within a period of eight weeks from the date of receipt of a certified copy of this order. No order as to costs."*

3. Learned Deputy Solicitor General of India submits that while disposing of the original application with direction to consider the case of the original applicant therein, in terms of the judgment passed by the Hon'ble Supreme Court, in Jaggo versus Union of India and other, learned Tribunal erred in not taking into consideration the fact that there were other pronouncements also of the Hon'ble Supreme Court of India on the issue. Learned Deputy Solicitor General of India further submits that in the backdrop of his submissions, this petition be allowed by either setting aside the order 30.01.2026 passed by the learned Tribunal or by modifying it to the extent that in the course of the consideration of the case of the original

applicant, the Competent Authority be given liberty to take into consideration the following judgments also of the Hon'ble Supreme Court, besides Jaggo versus Union of India and others, 2024 INSC 1034:-

1. *"Madan Singh versus State of Haryana, 2026 INSC 379 (Civil Appeal No.1996 of 2024).*
2. *Union of India and others versus Ilmo Devi and another, AIR 2021 SC 4855 and 2021 SCC Online SC 899."*

4. This Court is of the considered view that as the request made by the learned Deputy Solicitor General of India is an innocuous one, for the reason that if there are more than one recent pronouncement of the Hon'ble Supreme Court of India on the issue, it would be in the interest of justice, in case the order dated 30.01.2026 passed by the Tribunal is modified to the extent that in addition to the judgment of Hon'ble Supreme Court in Jaggo versus Union of India and others (supra), the Competent Authority can take into consideration the other judgments of the Hon'ble Supreme Court of India also while passing the order. Otherwise also the Authority concerned cannot be precluded from considering other pronouncements of the Hon'ble Apex Court on the issue existing, as on the date,

when the Authority considers the case of the original applicant. The order under challenge, passed by the learned Central Administrative Tribunal, Chandigarh is accordingly modified to the extent that while considering the case of the original applicant, the Competent Authority can take into consideration, besides the judgments of the Hon'ble Supreme Court referred to in the order passed by the learned Tribunal, the other judgments also of the Hon'ble Supreme Court, reference whereof is made in this order.

5. Petition disposed of in above terms. It is clarified that this Court has not expressed any view on the merits of the issue.

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

(Ajay Mohan Goel)
Judge

(Bipin C. Negi)
Judge

July 13, 2026
(Vinod)