

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

FAO (OS) No. 10 of 2025

Date of decision: 31.08.2026

Joginder Pal

...Appellant

Versus

The Baba Balak Nath Temple Trust, Deotsidh & Ors.

...Respondents

Coram

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

The Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.

Whether approved for reporting?

For the Appellant: Mr. Rupesh Kumar, Advocate.

For the Respondents: Mr. Bhupender Pathania, Advocate.

G. S. Sandhawalia, Chief Justice (Oral)

The present appeal is directed against the interim order dated 08.07.2025 passed in CMP No. 15335 of 2025 filed by the writ petitioner, whereby the learned Single Judge had declined continuation of the service of the writ petitioner upto the age of 60 years. The said issue as such was at the initial stage when the reply was to be filed. We are informed that the pleadings have been completed before the learned Single Judge.

2. Vide a detailed order dated 31.07.2025, we had come to the conclusion that there was exploitation as such of the present appellant-the original writ petitioner, keeping in view the payments, which have been made, though he was appointed as Lecturer in English (School Cadre) firstly on 05.07.2001 and then on regular contract basis on 16.12.2009 and had also been

regularized 10 years later on 09.04.2019 in the pay-scale/pay band of Rs. 10300-34800+4200/- Grade Pay plus allowances.

The order reads as under:-

“FAO (OS) No.10 of 2025

Notice. Mr. Bhupinder Pathania, Advocate, accepts service of notice on behalf of the respondents-Trust.

2. List the matter on 06.10.2025.

CMP No.18084 of 2025

3. Notice in the aforesaid terms. Let reply be filed within six weeks.

4. Counsel for the respondents-The Baba Balak Nath Trust, has placed on record various letters, which would go on to show that the present appellant-writ petitioner was initially appointed as Lecturer in English [School Cadre] in Baba Balak Nath College, Chakmoh, on 05.07.2001 [Annexure P-1], on a consolidated emoluments of Rs.4,000/- per month. The subsequent documents now placed on record would go on to show that he had a fresh re-commendation for appointment at Rs.5,000/- per month on 24.06.2003 [Annexure R-2], which was followed up with communication dated 29.05.2004 [Annexure R-3] for the year 2003-2004 and then in the year 2006. Vide communication dated 10.07.2006 [Annexure R-5], he was offered period based guest faculty @ Rs.75/- per period for the session 2006-2007. On 16.12.2009 [Annexure R-7], approval was given to hire the services of the appellant-writ petitioner on regular contract basis with initial basic salary plus Dearness Allowance. The services of the appellant-writ petitioner then were only regularized ten years later on 09.04.2019 in the pay scale/pay band of Rs.10300-34800+4200/- Grade Pay plus usual allowances.

5. The appellant-writ petitioner now is superannuating today [31.07.2025] on attaining the age of superannuation of 58 years, as per Office Order dated 21.02.2025 [Annexure P-4],

which is the subject matter of challenge before the learned Single Judge.

6. We had asked the respondents to produce the order of regularizing the services of the appellant-writ petitioner and also the relevant Rules which would govern the terms and conditions of the services of the appellant-writ petitioner. However, the counsel for the respondents has not produced any such Rules framed by the respondents-Trust, but relied upon the fact that Principals of School Cadre of Education Department of Government service are retired at the age of 58 years.

7. Thus, keeping in view the cumulative effect, as such, we are of the considered opinion that the manner in which the appellant-writ petitioner has been treated from the year 2001 by exploiting his services for the teaching by the Trust, who had only regularized the services of the appellant-writ petitioner at the fag-end of his career in the year 2019 would entitle the appellant- writ petitioner at-least for such benefits of interim relief during the pendency of the writ petition in the absence of any Rules framed by the Trust that the employees should retire at the age of 58 years.

8. In the peculiar facts and circumstances, we are of the considered opinion that the appellant-writ petitioner should be allowed to continue since the pleadings have not been completed before the Writ Court also.

9. Accordingly, the appellant-writ petitioner shall be entitled to continue, till the next date of hearing, in service since his services would be required by the respondents-Trust either way for teaching the children and process of filling up the post, in question, is yet to be initiated by the respondents-Trust..”

3. Keeping in view the fact that the matter is still pending before the learned Single Judge, we are of the considered opinion that since we had already come to the

conclusion that *prima facie* a case is made out in favour of the appellant/petitioner and he should be allowed to continue and even the services are required by respondents-Trust for teaching children. Thus, we are of the considered opinion that the said order is liable to be maintained during the pendency of the writ petition.

4. Accordingly, we allow the said appeal and set aside the order dated 08.07.2025, whereby the learned Single Judge, declined the relief of continuation of service of the petitioner till attaining the age of 60 years.

5. It is made clear that petitioner will not be allowed to continue in service beyond 60 years of age. His continuation in service, of course, would be subject to the final outcome of the writ petition.

6. The appeal stands disposed of, so also the pending applications, if any.

(G. S. Sandhawalia)
Chief Justice

(Chirag Bhanu Singh)
Judge

31st August, 2026
(sanjeev)