

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

LPA No. 467 of 2026

Date of decision: 21.08.2026

The Sanatan Dharam Adarsh Sanskrit Mahavidyalaya
Prabandhak Committee & Anr. ...Appellants

Versus

Pradeep Kumar Attri & Ors. ...Respondents

Coram

The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.

Whether approved for reporting?

For the Appellants: Mr. H. K. Paul, Advocate.

G. S. Sandhawalia, Chief Justice (Oral)

In the present appeal, consideration is sought to the judgment passed by the learned Single Judge in **CWP No. 72 of 2018**, titled as **Pradeep Kumar Attri vs. Union of India & Ors.**, on 19.06.2026, whereby the learned Single Judge quashed the order dated 31.03.2016 (Annexure P-7) and directed the present appellants to re-instate the petitioner with all consequential benefits including arrears of salary. The needful was to be done within two months from the passing of the judgment and if the benefits were not paid within the aforesaid period, the same were ordered to carry simple interest @ 6%.

2. The said order dated 31.03.2016 mentioned that there was no post of Mali and as and when the post would be created, the said employee would be called and then the services of the writ petitioner had been dispensed with.

3. The learned Single Judge traced the history of litigation as such and the background that the employee had been firstly appointed on part-time basis as Mali-cum-Chowkidar with the appellants-Institute and continued to work as such. Thereafter, on 26.06.2013, the petitioner was called for the interview for the post of Peon (Class-IV) and was appointed on 30.11.2013 on outsource basis on a contract and thereafter his services had been terminated. He had filed a writ petition bearing CWP No. 4676 of 2014, which was disposed of vide order dated 30.10.2014 (Annexure P-4), wherein direction was issued to respondent No. 2-Rashtriya Sanskrit Sansthan (Deemed University) to release necessary grant-in-aid as the termination of the services was on account of non-release of the grant-in-aid. It was accordingly directed that the present appellants shall re-instate the petitioner forthwith. The order dated 30.10.2014 reads as under:-

"The only ground for termination of services of the petitioner is non-release of grant-in-aid by respondent No.2. Consequently, respondent No.2 is directed to release the necessary grant-in-aid immediately. After

the receipt of necessary grant-in-aid, respondent No.4 is directed to reinstate the petitioner forthwith.

2. In view of this, the present petition is disposed of, so also pending application(s), if any."

4. It is, thus, noticed that the execution petition had been filed by the employee as such and directions were issued on 08.01.2015 to comply with the said order and to submit a compliance report. The said order reads as under:-

"Issue notice. Mr. Ashok Sharma, learned Assistant Solicitor General of India, Mr. Rajiv Jiwan and Mr. H.K. Paul, Advocates, waive notice on behalf of respondent No.1, respondent No.2 and respondents No.3 & 4, respectively.

2. This execution petition is disposed of by directing the respondents to comply with the directions, dated 30th October, 2014, passed in CWP No.4676 of 2014-H, within a period of six weeks, if not already complied with and report compliance before the Registrar (Judicial).

3. The Registry to convey the order to the respondents and also furnish the copy of the same to the learned counsel for the respondents."

5. It was further noticed that the employee who was the writ petitioner, was forced to file another application bearing CMP No. 7356 of 2015 in the said execution petition, wherein on 07.12.2015, a statement had been received that the directions had been complied with and his services had been re-instated. The relevant portion of the said order reads as under:-

"Petitioner had sought execution of the order, dated 30th October, 2014, passed by this Court in CWP No.4676 of 2014, titled Pardeep Kumar Attari vs. Union of India and others. It is apt to reproduce paragraph 1 of the order, hereunder:

"The only ground for termination of services of the petitioner is non-release of grain-in-aid by respondent No.2. Consequently, respondent No.2 is directed to release the necessary grain-in-aid immediately. After the receipt of necessary grain-in-aid, respondent No.4 is directed to reinstate the petitioner forthwith."

Respondent No.4 has filed the reply/compliance report wherein it has been pleaded that the directions passed by this Court have been complied with and the services of the petitioner have been reinstated.

This Court had specifically commanded respondent No.4 to reinstate the petitioner after receiving grant-in-aid. Respondent No.4 has reinstated the petitioner even without receiving any grant-in-aid.

Having said so, there is no merit in the application and the same is dismissed. However, the petitioner is at liberty to seek appropriate remedy, if advised."

6. The contempt proceedings were also disposed of. It was thereafter that the services of the petitioner were dispensed with on 31.03.2016, as noticed above. It was accordingly noticed that the dispensing with the services was on account of the fact that no work was available.

7. The learned Single Judge was at pains as such to notice that there were two posts of Peons and two Chowkidars and since the argument as such was raised by the Institute that there exists no sanctioned post of Mali/Gardener, as provided in Clause 35.4 as per the Revised Scheme of the Financial Assistance to Institutions by the appellant as such, it was covered accordingly. It was noticed that during the pendency of the writ petition, one of the Peons had retired and another person had been engaged. Similarly, against the two posts of Chowkidars, it was noticed that one had retired and the post had been filled up on outsource basis and the second post was lying vacant. It was also noticed that order had been passed on 29.04.2022 to give details of the person who were on the roll of the appellants-Institute as such, when the impugned order was passed. The necessary details were furnished by filing an affidavit by the appellants dated 04.06.2022. The relevant part reads as under:-

"4. Against two posts of Chowkidars, only one post is functional for which necessary sanction exists which was occupied by Sh. Dilbag Singh who retired on 31.03.2019. Thereafter Shri Anuj Kumar was appointed on outsource basis since 06.09.2019 on the post vacated by Sh. Dilbag Singh."

8. In such circumstances, the learned Single Judge had come to the conclusion that one post of Chowkidar was still lying vacant. The necessary affidavit was filed wherein the said admission had been made that against two posts of Chowkidars, only one post was functional for which necessary sanction existed which was occupied by Sh. Dilbag Singh who had retired on 31.03.2019. Thereafter, Sh. Anuj Kumar was appointed on outsource basis since 06.09.2019 on the post vacated by Sh. Dilbag Singh.

9. In such circumstances, the directions had been issued as such since the petitioner had been agitating for his grievance since the year, 2014 and necessary directions had been given to re-engage him and nothing had been clarified to show that there was no such work available, as now has been contended.

10. The argument which is, thus, raised that the post of Chowkidar is to be filled up through outsourcing as per the policy, would be of no assistance as the appellants were bound by the earlier order passed, whereby the directions had been given to re-instate and a necessary undertaking had been given, as reproduced above, that he would be re-instated.

11. In such circumstances, by virtue of the impugned order, on account of the fact that there was no post available the services of the petitioner had been dispensed with and it was only an effort as such to wriggle out of the undertaking, which had been given earlier and which could not have been done by the present appellants.

12. In such circumstances, we are of the considered opinion that the order of the learned Single Judge does not suffer from any infirmity, which would warrant interference. Resultantly, the present appeal is dismissed, so also pending applications, if any.

(G. S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

21st August, 2026_(sanjeev)