

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**COPC No. 803 of 2026
Decided on: 27.08.2026**-----
Usha Chauhan.....**Petitioner****Versus**

Devesh Kumar and others

.....**Respondents**
-----**Coram****Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**For the Petitioner: Mr. Hamender Singh Chandel,
Advocate.For the Respondents: Mr. Y.P.S. Dhaulta, Additional Advocate
General for respondents No. 1 & 2.Mr. Mukul Sood, Advocate, for
respondent No.3.
-----**Jyotsna Rewal Dua, Judge**

Petitioner alleges breach of the directions issued
in ***Usha Chauhan versus State of H.P. and others***². The
said order reads as under:-

“Notice. Mr. B.N. Sharma, Ld. Addl. Advocate
General, appears and waives service of notice on
behalf of the respondents.

2. The petitioner was initially engaged on a
contract basis as Clerk in the respondent No.
3/Municipal Counsel on 01.09.2001. The services of
the petitioner were regularized on 25.03.2011. The
sole contention raised by the petitioner is based on
the judgment passed in **SLP (Civil) No.
10399/2020, titled State of Himachal Pradesh &
Anr. Vs. Sheela Devi**, decided on 07.08.2023.

3. In **Sheela Devi's** case, the husband of Sheela
Devi was engaged on contract basis in a temporary
capacity in the year 1999. The services of the
husband of Sheela Devi were regularized in the year

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

² CWP No.10212/2024, decided on 17.09.2024.

2009. In the aforesaid facts and attending circumstances, it was held by the Court that the husband of Sheela Devi was entitled for counting of service rendered prior to regularization for the purpose of qualifying service.

4. From a perusal of the impugned order dated 03.07.2024 (Annexure P-9), it is evident that the aforesaid issue has not been considered in the adjudication so rendered. Both the parties agree that the aforesaid issue is conspicuous by absence.

5. In view thereof, the impugned order 03.07.2024 (Annexure P-9) is quashed. Respondent No. 2 is directed to decide the case of the petitioner afresh in terms of **Sheela Devi's Case** supra, within a period of four weeks from today.

6. It is an admitted position that the petitioner has been subjected to three rounds of litigation already. If, in case the petitioner is forced to unnecessary litigation, then the concerned authorities shall be liable to pay costs on account of unnecessary litigation to which the petitioner will be subjected.

In view of the above terms, present petition stands disposed of, so also, pending miscellaneous application(s), if any."

2. Learned counsel for respondent No.3 has placed on record copy of the decision rendered in ***Municipal Corporation Shimla Versus Besar Lal***³. The said Letters Patent Appeal was instituted against *Besar Lal Vs. State of H.P. and Ors.*⁴, which in turn, was based upon *Sheela Devi Vs. State of H.P. and Others*⁵, which is the same case that is relied upon in *Usha Chauhan*² as well. The decision rendered in *Municipal Corporation Shimla Versus Besar Lal*³ is as under:-

"The present appeal is barred by one year and 201 days delay.

³CMP(M) No.812/2026, decided on 07.08.2026.

⁴CWP No.9865 of 2024, decided on 12.09.2024.

⁵CWPOA No.195/2019, decided on 26.12.2019.

2. The directions passed in CWP No. 9865 of 2024, titled as Besar Lal Vs. State of H.P. and Ors, decided on 12.09.2024, are sought to be assailed, whereby the learned Single Judge found that the matter was covered by the judgment passed by the Co-ordinate Bench of this Court in CWPOA No. 195 of 2019, titled as Sheela Devi Vs. State of H.P. and Others, on 26.12.2019. Resultantly, directions had been issued by learned Single Judge to decide the case in terms of the said judgment while quashing the order dated 03.07.2024.

3. It is not disputed that the similar set of appeals have already been dismissed by this Court in LPA No. 268 of 2026, titled as Municipal Corporation, Shimla Vs. Jagdish Kumar and Ors., decided on 08.05.2026 and followed by the judgment in LPA No. 302 of 2026, titled as Municipal Corporation, Shimla Vs. Raksha Bhota and others, dated 15.05.2026.

4. Accordingly, for the reasons given in the said appeals, we also dismiss the present appeal.

5. It is open to the appellant, as such, to comply with the directions within a period of two months from today, as it is pointed out that Execution Petitions/Contempt Petitions have been filed by the employees in the connected matters, accordingly, learned Single Judge will take into consideration this order while dealing with such proceedings.

6. Accordingly, the application seeking condonation of delay is also dismissed and resultantly, the appeal also meets the same fate.

7. Pending application(s) if any, also stands disposed of accordingly.”

3. Learned counsel for respondent No.3 submits that the judgment in question shall be implemented in the case of the petitioner within the timelines indicated by the Hon’ble Division Bench in *Municipal Corporation Shimla Versus Besar Lal*³.

In view of above submissions and keeping in view the observations made by the Hon’ble Division Bench in *Municipal Corporation Shimla Versus Besar Lal*³, the

present contempt proceedings are closed at this stage. Notices issued to the respondents are discharged. It shall be open for the petitioner to seek appropriate remedy in accordance with law for the redressal of her surviving grievances, if any, at an appropriate stage, in case need so arises in future. It is, however, hoped and expected that the respondents, in particular respondents No.2 & 3, shall implement the judgment in question within the timelines indicated in *Municipal Corporation Shimla Versus Besar Lal*³ in the case of the petitioner as well.

August 27, 2026
yogesh

Jyotsna Rewal Dua
Judge