IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA

COPC No.816 of 2026
IN
CWP No.9765 of 2024
Decided on: 30.09.2026

Champa Thakur .....Petitioner

Versus

Devesh Kumar and others ....Respondents

Coram:

Hon'ble Mr. Justice Ranjan Sharma, Judge

[1] ***Whether approved for reporting?***

For the petitioner:	Mr. Hamender Singh Chandel, Advocate.
For the respondents:	Mr. Varun Chandel, Additional Advocate General, for Respondents No.1 and 2.
	Mr. Mukul Sood, Advocate, for Respondent No.3.

Ranjan Sharma, Judge

Petitioner has invoked the contempt jurisdiction of this Court, alleging wilful and intentional non-compliance of the judgment dated 10.09.2024 *[Annexure-A],* passed by this Court, in ***CWP No.9765 of 2024,*** titled as *Champa Thakur versus State of Himachal Pradesh and others.* The operative part of judgment dated 10.09.2024 *[Annexure-A],* reads as under:-

> "4. A perusal of the impugned order dated 03.07.2024 makes it evident that the case of the petitioner has not been considered in terms

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

of Sheela Devi's case supra. In view of above, impugned order dated 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 three weeks from today.

5. In the case at hand, it would be pertinent to mention that the petitioner has been un-necessarily subjected to 3rd round of litigation. Hence, in this backdrop, the case of the petitioner be decided by duly applying mind to the facts of the case at hand in terms of judgment passed in *Sheela Devi's case* supra. It be ensured that the petitioner is not further subjected to unnecessary litigation. If, in case the petitioner is subjected 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."

2. Since the judgment dated 10.09.2024 was not complied with, therefore, the petitioner had filed the instant petition *[COPC No.816 of 2026].*

PROCEEDING UPON ISSUANCE OF NOTICE:

3. Upon issuance of notice in the present proceedings on 15.07.2026 the Respondents were duly represented through Learned Counsels and upon listing of matter on 17.07.2026, they were directed to file *Compliance Affidavits.* The matter was again listed on 05.08.2026 when, the *Compliance Affidavits* were not filed.

Upon listing of the matter on 09.09.2026, Respondents No.1 to 3 have tendered a copy of *Instructions* dated 08.09.2026 indicating that the Administrative Department has prepared the Cabinet Note and the matter was to be placed before the Council of Ministers for approval.

4. *Pertinently,* the Division Bench of this Court while dealing with an application i.e. *CMP (M) No.812 of 2026,* titled as *Municipal Corporation Shimla versus Besar Lal,* decided on 07.08.2026, directed the Respondents to ensure the implementation of the judgment within the outer limit of 07.10.2026.

LATEST COMPLIANCE AFFIDAVIT:

5. Upon listing of the matter today, Respondent No.3-Commissioner, Municipal Corporation, Shimla, has filed *Compliance Affidavit* dated 29.09.2026 in the Court *[Taken on Record].* Copy of the *Compliance Affidavit* has been furnished to Learned Counsel for the petitioner. The operative part of the *Compliance Affidavit,* reads as under:-

> "3. That in pursuance to letter dated 26.09.2026, issued by Secretary (UD) and letter dated 15.09.2026 issued by the Principal Secretary Finance to the Government of Himachal Pradesh, the **Director (UD) of Himachal Pradesh vide letter dated 26.09.2026** has directed the deponent Corporation to issue

necessary order in **the matter under reference including other similarly situated cases** pending for compliance on the analogy of ***Sheela Devi case*** at Administrative level in accordance with instruction issued by the Finance Department on 15.09.2026 clarifying followingly:

i. In those cases where the judgment has attained finality and the financial implication involved is due to the implementation of this judgment and there is no recourse except to implement the same and also that there is a contempt notice for implementation of any orders already passed by the Hon'ble Court, these instructions will not be applicable.

ii. All other cases shall be processed in accordance with the already issued instructions of the Finance Department. The copy of said letters dated 26.09.2026 and 15.09.2026 are annexed herewith as **Annexure R-3/1 (colly).**

4. That in pursuance to letter dated 26.09.2026, issued by Secretary (UD) and letter dated. 15.09.2026 issued by the Principal Secretary Finance to the Government of Himachal Pradesh, **the deponent Corporation has passed the speaking order dated 29.09.2026.** The copy of said order is annexed as Annexure R-3/2 (colly)."

6. *Compliance Affidavit* refers to speaking order i.e. dated 29.09.2026 *[Annexure R-3/2]* passed by Respondent

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No.3-Commissioner, Municipal Corporation, Shimla, reads as under:-

> "NOW THEREFORE, in compliance to the orders passed by the Hon'ble Court in CWP No.4485/2019 followed by directions given by Hon'ble High Court from time to time in various petitions and further approval given by of the Govt. of Himachal Pradesh vide letter dated 26.09.2026 as conveyed by the Director, Urban Development vide letter dated 26.09.2026 and further in view of the discussion made herein above, The service of the following mentioned petitioners rendered on contract basis is hereby ordered to be counted for the purpose of pension, **on the analogy of Sheela Devi case:**

S. N.	Case No.	Name of Petitioner
1.	CWP No.9105/2024	Sh. Shanti Swaroop S/o Sh. Bishamber Lal Sood
2.	CWP No.9765/2024	Smt. Champa Thakur D/o Sh. S.R. Thakur
3.	CWP No.9106/2024	Smt. Sunita Sharma D/o Joginder Kumar
4.	CWP No.9107/2024	Sh. Prakash Chand S/o Sh. Geeta Ram
5.	CWP No.10213/2024	Sh. Brij Lal Khachi S/o Hari Saran
6.	CWP No.9748/2024	Sh. Brij Mohan s/o Sh. Khewan Ram
7.	CWP No.9126/2024	Smt. Sudesh Bala w/o Sh. Mast Ram
8.	CWP No.10210/2024	Sh. Sandeep Kumar s/o Bashi Ram
9.	CWP No.9870/2024	Smt. Suman Lata W/o Sh, Ramesh
10.	CWP No.9764/2024	Smt. Sushma Sharma W/o Sh. Parveen Kumar Sharma
11.	CWP No.9864/2024	Sh. Bal Krishan S/o Sh. Devi Dutta
12.	CWP No.9746/2024	Sh. Kamlesh s/o Sh. Achru Ram

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13.	CWP No.9866/2024	Sh. Dinesh S/o Sh. Mehar Chand
14.	CWP No.9865/2024	Sh. Besar Lal S/o Sh. Tinknu Ram
15.	CWP No.9863/2024	Sh. Baldev Kumar S/o Sh, Ram Dass
16.	CWP No.9871/2024	Sh. Bharat Bhushan S/o Sh. Manohar Lal
17.	CWP No.9862/2024	Sh. Ram Singh S/o Sh. Pholo Ram
18.	CWP No.9867/2024	Sh. Jagdish Kumar S/o Sh. Bhoop Ram
19.	CWP No.9756/2024	Sh. Manohar Lal S/o Sh. Babu Ram
20.	CWP No.9869/2024	Smt. Raksha Bhotta D/o Udham Singh Chauhan
21.	CWP No.10214/2024	Sh. Hanumant Singh Kanwar S/o Sh. Pratap Singh Kanwar
22.	CWP No.10212/2024	Smt. Usha Chauhan w/o Sh. Radha Krishan
23.	CWP No.9755/2024	Sh. Davinder Pal S/o Sh. Kuldeep Singh
24.	CWP No.9868/2024	Sh. Daleep Kumar S/o Late Sh. Ram Saran
25.	CWP No.4485/2019	Sh. Surinder Chand S/o Raghubir Chand
26.	CWP No.4485/2019	Sh. Surinder Kumar s/o Sh. Padam Devi Sharma

7. Perusal of the *Compliance Affidavit* and the speaking order/Office Order dated 29.09.2026 *[Annexure R-3/2]* indicates that the State Authorities including Director Urban Development, Himachal Pradesh and Commissioner, Municipal Corporation, Shimla, have agreed in principle to count contractual service of petitioner for the purposes of pension/revised pension, on the analogy of ***Sheela Devi's case.***

8. Though in terms of *Compliance Affidavit* and

the aforesaid Office Order, the petitioner has been held entitled for counting of contractual service for pension but the claim for grant of actual pension/revised pension [to the retirees, if any, as in Speaking Order/Office Order dated 29.09.2026 *[Annexure R-3/2]*, needs to be processed and taken to logical end, hereinafter, in accordance with law.

9. Respondents No.1 and 2 despite Orders dated 09.09.2026 have chosen not to file their respective *Compliance Affidavits,* despite four opportunities and said practice is deprecated.

10. Considering the matter in above perspective, this Court gives a quietus to the instant petition; with directions to the Respondents to ensure implementation of judgment dated 04.09.2024 *[Annexure-A];* and to release the admissible benefits, if any, in letter and spirit, expeditiously, but not later than 30.11.2026, after completing all codal formalities, so as to enforce the mandate of the Hon'ble Supreme Court in the case of ***Sheela Devi [supra],*** to the petitioner herein.

11. This Court hopes and trusts that the Respondents shall take all necessary steps to ensure compliance of the mandate in aforesaid terms.

12. Notices, issued to the Respondents, shall stand discharged, accordingly.

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In aforesaid terms, the instant petition and all pending miscellaneous application(s), if any, shall stand disposed of.

(Ranjan Sharma)
Judge

September 30, 2026
[Bhardwaj]