

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMP(M) No.1266 of 2026 &

LPA No.486 of 2026

Date of Decision : 17.08.2026

State of Himachal Pradesh and Others

..... Appellants

Versus

Ram Gopal

..... Respondent

Coram:

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

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the Appellants : Mr. Anup Rattan, Advocate General with
Mr. Varun Chandel, Additional Advocate General.

G.S. Sandhawalia, Chief Justice (Oral)

CMP(M) No.1266 of 2026

Delay of 154 days in filing the present appeal is condoned in view of the averments made in the application duly supported by an affidavit. The application stands disposed of.

LPA No.486 of 2026

2. The present appeal is filed against the judgment of learned Single Judge, in ***Civil Writ Petition No.3823 of 2024***, titled ***Ram Gopal vs. State of Himachal Pradesh and others***, decided on 21.11.2025, wherein directions had been issued to grant benefit of work-charge status

to the petitioner on the post of Class-IV, after regularizing his services, as was done in the cases of other similarly situated Class-IV employees in other Government Departments after completion of 8 years of continuous service with effect from 01.01.2001.

3. The writ petition was primarily filed on the strength of the judgment passed initially in **CWPOA No.3562 of 2019**, titled **Sant Ram and another vs. State of H.P. & others**, decided on 06.09.2022. It is pertinent to notice that the said judgment had been upheld in **LPA No. 153 of 2023**, titled **State of H.P. & others vs. Sant Ram & another**, and that the Special Leave Petition (SLP) had also been dismissed on 06.02.2025. Resultantly, it was noticed that the State themselves had admitted that the petitioner's case is similarly situated to **Sant Ram's case** (supra), wherein directions were issued granting the said benefits, with actual monetary benefits restricted to three years prior to the date of filing of the writ petition.

4. Learned Additional Advocate General has attempted to raise an argument that the right to regularization had accrued/arisen in the year 2001, and the writ Court was being approached after 23 years, and therefore, the reasons for the unexplained delay had not been explained. The said argument is based on the preliminary objection taken in the writ petition, which reads as under:-

"2. That the petition is liable to be dismissed on the ground of delay and laches as cause of action if any would have arisen to the petitioner in the year 2001 and the petitioner is approaching this Hon'ble Court in the

year, 2024 i.e. after about 23 years. The petitioner nowhere explained the reason for delay.”

5. It is also pertinent to notice that there was an admission which had been noticed by the learned Single Judge regarding the fact that relief was not being granted as per the representation dated 24.02.2024 (Annexure P-11), which had been filed on account of the pendency of the Special Leave Petition before the Apex Court. The relevant paragraphs of the reply read as under:-

“19. That with respect to order of this Hon'ble Court in CWPOA No. 3562 of 2019 titled as Sant Ram & Anr. Vs. State of Himachal Pradesh & Ors. dated 06.09.2022, it is admittedly correct that case of the present petitioner is similar to that of Sh. Sant Ram. However, the State of H.P. has already assailed this order before the Hon'ble Supreme Court of India vide Diary No. 10840/2024 whereby, on dated 26.04.2024 Hon'ble Apex Court has ordered to maintain status quo, copy of order dated 26.04.2024 is annexed as Annexure R-4.

20.

21. That in reply to contents of this para it is submitted that the representation of the petitioner could not be decided due to pendency of similar litigation before Hon'ble Apex Court, where Hon'ble Apex Court in case of Sh. Sant Ram was pleased to direct to maintain status quo with respect to Special Leave Petition (SLP) filed by the State Government vide Diary No. 10840/2024, copy of order dated 26.04.2024 is already annexed as Annexure R-4.”

6. Learned Additional Advocate General has also relied upon the judgment dated 31.03.2021 passed by the Division Bench this Court,

in ***Civil Writ Petition No. 500 of 2021***, which also, by chance, was *titled Sant Ram and others vs. State of Himachal Pradesh and others*. The argument that is being raised is an argument of desperation. Having admitted the fact that the issue in principle, as such, was covered by the judgment in ***Sant Ram's case*** (supra) (***CWPOA No.3562 of 2019***), the reliance upon the other judgment in ***Sant Ram's case*** (supra) (CWP No. 500 of 2021) would be of no help, since in the said case, the employees had already been regularized as Work Inspector in January 2007, and had then approached the Court in the year 2021, seeking regularization/work-charge status from a retrospective date. The Division Bench then had come to the conclusion that there was no explanation for the prolonged and inordinate delay, and having accepted the order of regularization, could not be heard to complain that his services were not regularized at an earlier point of time.

7. In the present case, the employee, as admitted by the State itself, was engaged in the Integrated Watershed Development Project (IWDP), Kandi, and as per the employee's case, he was engaged on daily-wage basis as Class-IV in the year 1993. The stand of the State itself is that after the Phase-I had concluded on 31.03.1999, and Phase-II had culminated on 30.09.2005, the H.P. Mid-Himalayan Watershed Development Project (HPMHWDP) was constituted w.e.f. 01.10.2005 under the H.P. Natural Resource Management Society (HPNRMS) of the Forest Department. The regular employees of the project staff were to be

adjusted of the Swan River Project and the Indo-German Changer Project.

8. The issue in ***Sant Ram's case*** (supra) was also the same and upheld by the Co-ordinate Bench, noticing that similarly situated employees in the project as such had been regularized by the Forest Department and has been admitted, on the basis of which, directions had been given by the learned Single Judge. It is also pertinent to notice that the effort as such to distinguish the decision in ***Sant Ram's case*** (supra), which was subject matter of review in ***Civil Appeal No. 1858 of 2025*** titled ***State of Himachal Pradesh and others vs. Sant Ram and another***, along with ***Civil Appeal No. 1857 of 2025*** titled ***State of Himachal Pradesh and others vs. Yudhbir Singh***; and ***Civil Appeal No. 1766 of 2025*** titled ***State of Himachal Pradesh and others vs. Maan Singh and another***, the main case being ***Civil Appeal No. 1595 of 2025*** titled ***State of Himachal Pradesh and others vs. Surajmani another***, along-with connected matters, which were dismissed by the Hon'ble Apex Court, vide order dated 03.02.2026. The effort as such to get the said orders reviewed in the three cases was rejected on 03.02.2026 by the Apex Court while dismissing the review petition.

9. We had noticed the said aspect, while dealing with ***FAO (OS) No.02 of 2026***, titled ***State of Himachal Pradesh and others vs. Sant Ram and another***, decided on 26.02.2026, wherein again, when the learned Single Judge was executing *Sant Ram's case*, the orders had been challenged by the State before us. By passing a detailed order, we

had noticed that the employees were liable to be given the benefit of regularization in view of ***Jaggo vs. Union of India & others, along with connected matters, (2024) SCC Online SC 3826 and Dharam Singh vs. Union of India & others, 2025 INSC 998***, keeping in view the fact that the employees had worked for over 30 years.

10. We are informed that the order passed in the said FAO also met the fate of dismissal in ***Special Leave to Appeal (C) No. 13474 of 2026***, on 26.05.2026. The said order reads as under:

“1) After hearing learned counsel, we see no reason and ground to interfere with the order impugned. Accordingly, the Special Leave Petition is dismissed. Pending application(s), if any, shall stand disposed of.”

11. The argument of learned State Counsel that there was delay, as such, is totally bereft, keeping in view the fact that once the State itself had issued a policy for regularization dated 09.10.2012 (Annexure P-8), on the basis of which, the petition was filed, it is for the State, as such, to ensure that the benefits of the said policy reach the Class-IV employees. Apparently, on account of litigation being pending, which had originated in the year 2019 in ***Sant Ram’s case*** (supra) or even prior to that, since the matter was filed before the erstwhile Tribunal, the employee did not approach the Court earlier for redressal of his grievance. After the litigation was finalized by the Division Bench, the writ petition was filed. He was never given the benefit of regularization, which is a policy decision as has been held in ***State of Uttar Pradesh and others vs. Arvind Kumar Srivastava and others, (2015) 1 SCC 347***, and therefore, the argument

that it was belated, at the hands of the model employer-the State who has filed this appeal in spite of the fact that it was admitted that the case was covered, thus, makes out a case where the appeal is liable to be dismissed with exemplary costs of ₹25,000/- to be paid to the respondent.

12. Costs are being imposed as the State continues to file appeals even in covered matters, wasting time not only of this Court, but carrying these matters further on, trying to take an off-beat chance of an order to be passed in their favour, and harassing all the Class-IV employees.

13. Therefore, we do not find any ground not to impose costs, as accountability and the fact that there has to be a litigation policy which has to be strictly adhered to, is basically not being done. A wake-up call is required in the right places in the Department concerned.

14. In view of above, the present appeal is dismissed with costs of ₹25,000/- to be paid to the respondent. All pending miscellaneous application(s), if any, shall stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

August 17, 2026 (KS)