

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Review Petition No. 86 of 2026

Decided on : 25.08.2026

State of H.P. and others	Versus	 petitioners
Joti Thakur		...Respondent.

Coram

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

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

Whether approved for reporting?¹

For the petitioners	:	Mr. Anup Rattan, Advocate General with Mr. Varun Chandel, Additional Advocate General.
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G.S. Sandhawalia, Chief Justice (Oral)

The review is sought of the order dated 6th April, 2026 passed in LPA No.184 of 2026 titled as State of Himachal Pradesh and others vs. Joti Thakur, on various grounds, mainly that parity with the case of a contractual employee in ***Sant Ram's case*** was not justified, wherein regularization had been granted to a daily wager. Thus, in sum and substance, in the review petition, an attempt is being made to reargue the case, which had already been decided by the order passed in open Court.

2. As noticed, the appointment in the Swan River Integrated Watershed Development Project (SRIWDP) was made way back on 25th July, 2008, and the employee continued to work thereafter. It is also to be noticed that the learned Single Judge had primarily allowed the case on the ground that there was an admission that the petitioner was similarly situated to the petitioner in ***Sant Ram's case*** and, therefore, directed that the services of the petitioner be regularized on the post of Data Entry Operator

¹ *Whether the reporters of the local papers may be allowed to see the Judgment? Yes*

after six years of contractual service w.e.f. 6th January, 2016, with all consequential benefits.

3. Learned Advocate General argued that on a perusal of the pleadings, it would be apparent that there was an averment made in paragraph 9 that the benefits of the policy which had been put forth in the writ petition could not be made applicable in view of the instructions dated 28th December, 2021, (Annexure P-16), as the writ petition was filed by an employee of the Himachal Pradesh Natural Resource Management Society.

4. It is noticed that the basic principle, which is required to be kept in mind, and which has now been elaborated by the Apex Court following the judgments in **Jaggo v. Union of India and Others, 2024 SCC OnLine SC 3826, and Dharam Singh and Others v. State of U.P. and Another, 2025 SCC OnLine SC 1735**, is the principle of legitimate expectation, as has been further considered in **Bhola Nath v. State of Jharkhand and Others, 2026 SCC OnLine SC 129**. On a perusal of the documents, it would be apparent that vide policy dated 19th April, 2017 (Annexure R-2), which has now also been placed on record along with the review petition, the policy governing the service conditions of project staff was framed, basically for the benefit of employees various projects. The said notification reads as under:-

“In order to regulate service condition of the Project Staff, the Governor, Himachal Pradesh, is pleased to frame a policy as per Annexure-A for the Project Staff engaged under the HP Mid Himalayan Watershed Development Project (HPMHWDP) (2005-17), Swan River Project, Una (2006-16), Kandi Project I&II (1990-2005) and Indo-German Changer Project (1992-2006) implemented in the HP Forest Department”.

5. Perusal of the policy would further go on to show that all the appointments were covered under Clause 2, which mentions that, in case,

the society has no funds to pay, the employees can be seconded to the Forest Department/ other departments as per the advice of the Finance Department dated 21st October, 2015, but their name may remain interchanged. The grade of remuneration under Clause 7.1 also provides regarding completion of 7 years of contract or 10 years of daily wage period, and they become employees of the society, as per the details given, of the remuneration structure.

6. It is thus apparent that the benefit is not to be only restricted to work-charge or daily-wage employees, and the contractual employee cannot be put to a disadvantage. The notification and subsequent service bye-laws governing the services of the Society would also go on to show that the appointments are to be made by direct recruitment on contract basis.

7. Perusal of the contract dated 9th March, 2018, (Annexure A-IX), would go on to show that the same was signed by the Executive Officer, being the authorised signatory to the office of the PCCF-cum-Chief Executive Officer of the Society, whereby the employee, as such, was further given a new lease of life, having continuation up to the age of 58 years, whichever is earlier.

8. This factor is only to show that the State had always been holding the hand of the said employees for employment and security, and therefore, the principle of legitimate expectation would come into play. Therefore, in such circumstances, the arguments now sought to be advanced, that any or each member of the Society, being an employee of

the Society, is not entitled to the benefit of the policy as such, cannot be accepted.

9. It is also a matter of record that in the reply filed by the State, at various places, specific admissions have been made in respect of the matter being covered by *Sant Ram's case*. The stand was taken that since *Sant Ram's case* was pending before the Apex Court, the State was holding back its hand. Concerning the benefits of the instructions dated 28th December, 2021 (Annexure P-16), wherein the plea had been taken that the same was not applicable, there was an admission, as such, that the matter was covered by *Sant Ram's case* and that the same had not been decided, which reads as under:-

"25 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 Attested Annexure R-4.

26. That the contents of this para are admitted being a matter of record. However, it is submitted that Govt. of H.P. has further assailed the said judgments passed by Hon'ble High Court of H.P. in CWPOA 3562/2019 titled as Sant Ram & another vs. State of H.P. & others and LPA No. 153/2023 titled as State of H.P. & Ors. vs. Sant Ram & Anr. by filing Special Leave Petition (SLP) before the Hon'ble Supreme Court of India vide Diary No. 10840 dated 06.03.2024 and the same has not been decided as yet and is pending for adjudication".

10. In such circumstances, on the basis of the aforesaid discussion, the learned Single Judge had decided that the entitlement was made out. In the meanwhile, we upon dismissing the appeal, and also noticed *Jaggo* and *Dharam Singh's* cases and the benefit of regularization to the employees who have worked for long with the Society. Resultantly, we are of the considered opinion that the State has not been able to

successfully argue the matter, as such, that for a person who has worked and served the State diligently since the year 2008, merely because he has been adjusted in the Society from time to time, is not a sufficient reason, to regularize him, once the Society continues to function with fundings from the State and is preferred by and controlled solely by the State Government officials.

11. Thus, we do not find any valid reason why the State can now object that the person cannot be considered for regularization, particularly when, in the judgment in ***Nihal Singh and Others v. State of Punjab and Others, (2013) 14 SCC 65*** the Apex Court has held that posts have to be created for regularization and that they do not fall from the sky. The relevant part reads as under:-

“20. Therefore, it is clear that the existence of the need for creation of the posts is a relevant factor with reference to which the executive government is required to take rational decision based on relevant consideration. In our opinion, when the facts such as the ones obtaining in the instant case demonstrate that there is need for the creation of posts, the failure of the executive government to apply its mind and take a decision to create posts or stop extracting work from persons such as the appellants herein for decades together itself would be arbitrary action (inaction) on the part of the State.”

12. In such circumstances, we do not find any ground to reargue the matter. The review petition is, therefore, dismissed. Pending miscellaneous applications, if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

25nd August, 2026
(Tarun Singh)