

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

COPC No. 1274 of 2026

Date of decision: 05.10.2026.

Sunil Kumar ...Petitioner.

Versus

Rakesh Kanwar & another ...Respondents.

Coram:

The Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?¹

For the petitioner : Mr. vivek Thakur, Advocate.

For the respondents : Mr. Sumit Sharma, Deputy Advocate General.

Ranjan Sharma, Judge:

Petitioner has invoked the Contempt Jurisdiction of this Court, alleging non-compliance of the judgment dated 02.01.2024, [Annexure C-1], passed in CWP No. 29 of 2024, **Anju Sharma & Others vs. State of Himachal Pradesh**, in which the Sunil Kumar herein, was a party petitioner in the said case.

2. In terms of the judgment, Respondents were directed to decide the representation [Annexure P-11 colly annexed with the writ petition], and upon verification of facts, in case, the petitioner was similarly placed, then to

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

consider/examine the case of the petitioner for extending similar benefit of regular appointment from the date the petitioner was initially appointed on contract basis as TGT, in view of the judgments passed by this Court in the cases of Om Prakash, Anju Devi, Manju Devi, and Ravinder Kumar, as referred to in the said judgment, within six weeks and upon consideration, in case, the Respondents decide to extend the benefit of regular appointment from the date of initial contractual appointment to the petitioner as Trained Graduate Teacher, with further directions to give consequential benefits notionally; with directions that Respondents shall give eligible monetary benefits admissible to the petitioner in accordance with law.

3. Upon listing of the matter in pre-lunch session, Learned State Counsel had shown to us a copy of Instructions dated 28.09.2026 [*Taken on record*] as received from Director Elementary Education stating that approval of Government is awaited and these Instructions are totally contrary to the stand taken by the Respondents in another similar Contempt Petition No 834 of 2026, in which, the Director Elementary Education has furnished Instructions dated 21.09.2026, [*Photocopy taken on record*] stating that approval of Government has been received on 17.09.2026 and even budget has

been allocated to all the Principals on 18.09.2026, for further distribution.

4. After perusing the Instructions dated 28.09.2026, it was at the insistence the Instruction of Learned State Counsel that these Instructions were returned back in original, as it was an attempt to interference with the administration of justice by taking inter-se contradictory plea. In this scenario, this Court directed Learned State Counsel to make the Respondents appear to assist this Court, in right perspective in the post-lunch session.

5. Upon taking up of the matter, in second half of the day, Learned State Counsel, on the Instructions of Respondents Nos. 1 and 2, who are present in person, a copy of the office orders dated 28.09.2026 and 23.09.2026 was produced [*Taken on record*], addressed by Director of School Education to Secretary [Education], with a copy thereof to other officials, indicating that out of total amount of arrears of Rs. 67,650/- part payment of Rs. 22,550/- stands already released to the petitioner whereas the balance amount of Rs. 45,100/- stands transferred to Head of Account of the concerned school. However, the issue, whether the amount has actually been released or not is yet a million dollar question.

6. Upon listing of the matter on 29.09.2026, Respondents who were present in the Court had assured that the remaining amount of Rs. 45,100/- shall be released to the petitioner expeditiously.

7. Matter came up today, when, Learned State Counsel has placed on record the Instructions dated October, 2026 alongwith a Certificate dated 30.09.2026 [Taken on record], issued by Principal, GSSS Sukhar, certifying that balance amount of Rs. 45,100/- has been remitted/released to the petitioner.

8. Learned Counsel for the petitioner does not dispute the above facts.

9. Considering the matter in above perspective since there is neither any willful disobedience of the judgment on behalf of the Respondents but the delay in implementation, if any, is bonafide. Therefore, the conduct of the Respondents, in facts of instant case is not contumacious.

10. In aforesaid terms, the present proceedings are closed and Notice of contempt shall stand discharged.

(Ranjan Sharma)
Judge

5th October, 2026.
(kck)