

Item No. D-11

State of Himachal Pradesh and another Vs. Sumit Sharma.

CMP.M No. 1769 of 2025.

15.07.2026

Present:

Mr. Gobind Korla, Additional Advocate General, for the applicants/appellants.

Mr. Sanjeev Bhushan, Senior Advocate, with Mr. Sparsh Bhushan, Advocate, for the respondent.

CMP.M No. 1769 of 2025

The present application has been filed for condonation of delay in filing the Letters Patent Appeal by the State, which is stated to be barred by 1 year and 12 days.

2. The reasons for delay given in the application are that the representation of the petitioner alongwith judgment dated 05.09.2024 was sent to the Government for necessary direction on 14.10.2024. Vide letter dated 14.11.2024, the Government had directed to examine the case of the petitioner as well as other similar cases, which were based on the judgment passed in ***Civil Writ Petition No. 2004 of 2017***, titled ***Sh. Taj Mohammad and others Vs. The State of Himachal Pradesh and others***, dated 03.08.2023. In consonance with the letter dated 12.11.2024, the Government had granted the approval to assail the impugned judgment by filing the appeals.

3. The LPA having e-filing No. GHP12300100003C202400293 was filed by the State, on 11.12.2024. Thereafter, letter was addressed to the Government in connection with listing of CMP No. 5399/2025 in ***COPC No. 732/2024 in CWP No. 663/2024*** titled ***Sumit Sharma Vs. Kadam***

Sandeep Basant and others, on 15.05.2025. On making enquiry on 28.08.2025 with the Registry of this Court and Advocate General's Office, it was found that the LPA having the aforesaid e-filing number was not traceable and the matter was placed before the Advocate General in written vide letter dated 28.08.2025.

4. Thereafter, the Advocate General forwarded the matter to the Registrar General of this Court seeking permission to consider the photocopy/e-scanned copy of already filed LPA or to permit for refiling the LPA considering the photocopy/e-scanned copy of the judgment in issue and certified copy of the impugned judgment was received on 10.09.2025. It was in such circumstances, delay had been caused in filing the appeal.

5. In reply, the application has been opposed as such, on the ground that the appellants had never pursued the matter diligently, because they were harping upon the Himachal Pradesh Recruitment and Condition of Service of Government Employees Act, 2024, which has now been struck down by the Coordinate Bench. The appellants had then filed the present LPA only on 06.10.2025, which was got registered on 10.10.2025 and the said date is available with the Registry of this Court.

6. Keeping in view the above, we are of the considered opinion that the appellants were not diligent in pursuing the remedy and proper procedure had not been followed. However, taking a lenient view, we condone the delay in the filing the appeal, subject to deposition of costs of Rs.10,000/- by way of a demand draft in favour of the respondent.

7. The LPA shall only be registered and listed once the receipt of the deposition of the costs is shown, failing which, the present application shall be deemed to have been dismissed. Let the needful be done by the applicants/appellants, within a period of four weeks.

8. Application stands disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

July 15, 2026
(Shivank Thakur)