

**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

COPC No.940 of 2024

In

CWP No.6669 of 2020

Decided on: 10.09.2026.

Prem Lal Sharma & Others ...Petitioners

Versus

Rakesh Kanwar & Others ...Respondents

Coram:

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹*Whether approved for reporting?* No.

For the petitioners: Mr. Karan Singh Parmar,
Advocate.

For the respondents: Mr. Varun Chandel,
Additional Advocate General.

Ranjan Sharma, Judge

Petitioners have invoked the contempt jurisdiction of this Court, alleging non-compliance and disobedience of the judgment dated 24.06.2024 [Annexure P-1] passed by Hon'ble Division Bench of this Court, in CWPOA No.6669 of 2020, titled as Prem Lal Sharma and Others versus State of Himachal Pradesh and Others, whereby, the claim of the petitioners, who had rendered contractual service and who were subsequently regularized was allowed, with direction to the Respondents for counting their contractual service

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

for the purpose of pensionary benefits; and for granting annual increments for contractual service, with all consequential benefits with directions to release the benefits on notional basis and actual monetary/financial benefits were to be given with effect from 01.04.2016 in terms of the aforesaid judgment.

ALLEGED NON-COMPLIANCE BY PETITIONER:

2. Learned Counsel for the petitioners submits that the petitioners had submitted a representation, *Annexure P-2*, requesting for implementation and for releasing the benefits, in terms of the judgment by counting the contractual service for pensionary benefits under the CCS (Pension) Rules, 1972, as per order dated 07.10.2024, *Annexure P-3*, and though pay fixation proposal for giving annual increment for contractual service was sent to higher authorities, in case of one of the petitioners, *Prem Lal Sharma*, *Annexure P-4*, but the annual increments for the contractual period has not been granted/ released to the petitioners, which is contended to be contemptuous.

STAND OF RESPONDENTS IN REPLY:

3. Upon issuance of notice on 08.01.2025 by this Court. Director of School Education, Himachal Pradesh, filed a Reply-Affidavit, stating that the State Legislature enacted the Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 [Act No.23 of 2025], providing that the benefits are to be given to the employees only on the basis of regular service and not contractual service.

3(i). Similar stand was taken by Director School Education, in Affidavit dated 10.09.2025 and in subsequent affidavit dated 14.11.2025.

3(i-a). Another affidavit dated 23.02.2026 was filed, stating in Para 9, that benefit of contractual service stands counted for pension in terms of the order dated 27.12.2025 [Annexure-R-2/2] as per Directorate Letter dated [10.07.2025 page 53-83 of the paper book]. So far as granting the annual increments during contractual period is concerned, it is averred that the judgment passed by this Court on 02.09.2024 in LPA No.232 of 2024, titled

as **State of Himachal Pradesh & Other versus Ram Chand & Ors** has been stayed by the Hon'ble Supreme Court in *Special Leave Petition (Civil) Diary No(s).No. 8008 of 2025*, titled as **State of Himachal Pradesh and others versus Ram Chand and others**, on 04.04.2025, in following terms:

“Delay condoned.

Issue notice, returnable in four weeks.

In the meantime, the direction passed by the High Court in the impugned order to count increments shall remain stayed.”

3(i-b). In affidavit dated 23.02.2026, Director, School Education, Himachal Pradesh, reiterated that contractual service has been counted for pensionary benefits as per orders dated 27.12.2025 [at page 64 Annexure-R-2/2] whereas the claim for annual increments for the contractual service is concerned, it was averred that the issue, is pending in **SLP(C) Diary No. 32886 of 2025**, titled as **State of Himachal Pradesh versus Narayan Dutt Sharma**, wherein, the directions passed by this Court to count the contractual service for increments was stayed on 19.09.2025 [Annexure

R-2/ 1], in following terms:

“Delay condoned.

Issue notice.

Tag with S.L.P. (C) No.9851/2025 @ Diary
No.8008/2025.

In the meantime, the direction passed by the High
Court in the impugned order to count increments
shall remain stayed.”

3(i-c). Compliance-Affidavit dated 23.02.2026,
filed by Director of School Education, further
indicates that in view of the orders passed by Hon’ble
Supreme Court in the SLP’s in the cases of **Ram
Chand** and **Narayan Dutt Sharma (supra)** the claim
for annual increments for contractual service, was
deferred, by issuing an office order on 27.12.2025
[Annexure R-2/2], in the following terms:-

“And whereas in **SLP(C) Diary No. 32886
of 2025** titled as State of Himachal Pradesh Vs
Narayan Dutt Sharma. Hon'ble Apex Court, the
orders of Hon'ble High Court **regarding annual
increment of contractual period has been
stayed.**

Now therefore in pursuance of the
approval received from the Govt. vide letter
No. EDN-B-E(3)-13/2024 dated 24-12-2025
and in compliance to the Hon'ble High Court
order dated 24.06.2024, the contractual
service qua the petitioners in COPC No.
940/2024 in CWPOA No. 6669/2020-titled
as Prem Lal Sharma & Ors. vs. Rakesh Kanwar
& Ors. is hereby counted as qualifying service

for the benefit of pension under CCS (Pension) Rules, 1972, **subject to the final outcome of SLP(C) Diary No. 32886 of 2025 (State of Himachal Pradesh Vs Narayan Dutt Sharma)** filed by State and subsequent orders of Hon'ble Supreme Court in the SLP and any other legal remedy.”

3(ii). State Authorities filed another Compliance-Affidavit dated 18.05.2026 through Director of School Education, Himachal Pradesh, enclosing a copy of the orders dated 26.09.2025, [**Annexure R-2/4**], in SLP(C) Diary No. 34517 of 2025, titled as **State of Himachal Pradesh versus Roshni Devi**, wherein, the Hon'ble Supreme Court passed an order that “the directions passed by the High Court in impugned order to count increments shall remain stayed.”

ANALYSIS:

4. Since the adjudicated issue, [regarding admissibility] of annual increment for contractual service, as contained in this judgment dated 24.06.2024 [Annexure P-1] has been stayed by virtue of the interim orders passed by the Hon'ble Supreme Court, therefore, this Court is of the considered view that “there is neither any willful

disobedience of the judgment or order passed by this Court nor is there any willful breach of any undertaking given to the Court.” Contempt remedy cannot be permitted to be invoked by the petitioners so as to grant benefit to the petitioners, in derogation of the interim orders passed by the Hon’ble Supreme Court in the cases of **Ram Chand, Narayan Dutt Sharma and Roshni Devi, (supra)**. Directing the State Authorities to extend benefit of annual increments for contractual service to the petitioners, ignoring the interim orders of the Hon’ble Supreme Court cannot be even thought of. Plea of petitioners for implementation, in defiance of interim orders passed by Hon’ble Supreme Court shall result in asking for enforcing a judgment or order or direction, on an issue, which stands stayed by Hon’ble Supreme Court and as on day such order has become unenforceable. Even, perusal of the Office Order passed by Director of School Education on 27.12.2025, [Annexure R-2/2], as extracted hereinabove indicates that the benefits in terms of present judgment dated 24.06.2024

in *CWPOA No.6669 of 2020*, titled as *Prem Lal Sharma and Others v. State of Himachal Pradesh and Others*, *Annexure P-1*, have been deferred, in view of the interim orders passed in pending SLP's with an undertaking, that the benefits shall entail subject to outcome of SLP, in the case of **Narayan Dutt Sharma** (*supra*).

Considering the matter in totality, this Court is of the considered view, that there is neither any willful disobedience of the judgment dated 24.06.2024 [*Annexure P-1*] nor is there any deliberate non-compliance thereof. Rather, the facts are otherwise, wherein, the State Authorities have furnished an undertaking as in the office order dated 27.12.2025 [*Annexure R-2/2*] that they shall abide by the outcome of SLPs pending before the Hon'ble Supreme Court, in the cases of **Ram Chand, Narayan Dutt Sharma** and **Roshni Devi**, (*supra*).

CONCLUSION:

5. Based on above discussion and in view of the Statement-Undertaking furnished to this Court [as in the office order dated 27.12.2025

[Annexure R-2/2], the present proceedings are closed. Needless to say, that the petitioners, may seek appropriate remedy, subject to outcome of SLPs, in aforesaid cases, hereinafter in accordance with law, if so desired.

Resultantly, in view of above discussion, the instant petition is dismissed and the Notice of Contempt issued to the Respondents is discharged.

(Ranjan Sharma)
Judge

September 10, 2026
[Shivender/tm]