

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.911 of 2025

Decided on : 29.09.2026

Fateh Singh

...Appellant.

Versus

HRTC and another

...Respondents.

Coram

Hon'ble Mr. Gurmeet Singh Sandhawalia, Chief Justice.

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

Whether approved for reporting?¹

For the appellant: Mr. Rakesh Kumar Dogra, Advocate.

For the respondents: Mr. Raman Jamalta, Advocate.

Bipin Chander Negi, Judge

By way of the present appeal, a challenge has been laid to the impugned judgement dated 02.09.2025, passed in CWP No. 14096 of 2025, titled *Fateh Singh vs. HRTC and another*, whereby the representation preferred by the appellant/writ petitioner has been rejected on the ground that the same suffers from delay and laches.

2. Heard counsel for the parties and perused the record.

3. The appellant in the case at hand had impugned order dated 01.08.2025 (Annexure P-7) in CWP No. 14096 of 2025 before the writ court vide which a claim of the appellant/writ petitioner of having worked overtime for 212 days had been rejected. The impugned order dated 01.08.2025 had been passed in pursuance to a direction passed in CWP No. 6824 of 2025, decided on 28.04.2025, in

case titled *Fateh Singh vs. HRTC and another*, wherein the appellant/writ petitioner had submitted that he would make a representation within two weeks, on such a submission being made, the Court had ordered vide judgment dated 28.04.2025 that the representation so made be decided within a period of six weeks.

4. The appellant had retired as a conductor on attaining the age of superannuation on 30.09.2017. Subsequent thereto, on 01.05.2019, the appellant had instituted OA No. 1773 of 2019 before the erstwhile State Administrative Tribunal. Amongst the numerous reliefs claimed, one relief claimed therein was with respect to release of arrears on account of overtime alleged to have been done for 212 days along with interest at the rate of 9% per annum. The said relief was claimed specifically in Para 6(d)(v) in OA No. 1773 of 2019 (page 92 of the paper book).

5. The aforesaid Original Application bearing OA No. 1773 of 2019 was decided/disposed of vide judgment dated 02.05.2019 in terms of judgment dated 17.07.2014 passed by the Hon'ble High Court in **CWP No. 3050 of 2014**, titled **Nek Ram vs. State of H.P. and others**. Thereafter, Execution Petition bearing No. 308 of 2021 was preferred by the present appellant/writ petitioner. From a perusal of order dated 05.04.2023 passed in the said execution petition, it is evident that the reliefs granted in terms of judgment dated 02.05.2019 passed in OA No. 1773 of 2019 had been released in favour of the

petitioner, except arrears on account of overtime for 212 days alleged to have been done by the appellant/writ petitioner. Vide the said order dated 05.04.2023 the learned Single Judge closed the execution proceedings as the judgement dated 02.05.2019 passed in OA No. 1773 of 2019 sought to be executed had been disposed of in view of **Nek Ram's** case (CWP No. 3050 of 2014 decided on 17.07.2014) which did not deal with/cover the relief of overtime.

6. In the aforesaid facts and attending circumstances, strangely, the appellant preferred CWP No. 2871 of 2023, titled *Fateh Singh vs. HRTC and another*. The same was again disposed of vide judgment dated 17.05.2023 in terms of Division Bench judgment of this Court passed in CWP No. 3050 of 2014, titled **Nek Ram vs. State of H.P. and others**, decided on 17.07.2014. Execution proceeding No. 496 of 2024 preferred in pursuance to the aforesaid judgment was disposed of on 23.09.2024.

7. Yet another writ petition bearing No. 6824 of 2025 was preferred by the present appellant. In the same, claim with respect to overtime alleged to have been done for 212 days till the present appellant's superannuation on 03.09.2017 was claimed. The aforesaid petition was disposed of on 28.04.2025, permitting the present appellant to file a representation, which was to be decided within six weeks (as already stated supra in paragraph 3). It is in pursuance of the aforesaid judgment that representation dated 27.06.2025 made by

the writ petitioner was dismissed as being barred by delay and laches by the respondent on 01.08.2025. The same was assailed before the learned Single Judge in Writ Petition bearing CWP No. 14096 of 2025, wherefrom the impugned order arises.

8. The appellant's/writ petitioner's conduct in filing multiple petitions under Article 226 of the Constitution in an equitable jurisdiction on the same cause of action is reprehensible and is an abuse of process. Repeated petitions filed in the case at hand on the same cause of action suffer from the vice of suppression of material facts, reflects that the Court is not being approached with clean hands, is also a criminal contempt. Once relief had not been granted qua overtime alleged to have been done by the appellant by the erstwhile Tribunal in its judgment dated 02.05.2019 passed in OA No. 1773 of 2019, recourse thereafter was not to file subsequent petitions, bearing CWP No. 2871 of 2023 decided on 17.05.2023, CWP No. 6824 of 2025 decided on 28.04.2025, and similarly CWP No. 14096 of 2025, wherefrom the impugned order arises. Interestingly the counsel for the appellant/writ petitioner in all the aforesaid litigations is the same.

9. In this respect it would be appropriate to refer to the authoritative pronouncement of the apex court in ***Udyami Evam Khadi Gramodyog Welfare Sanstha v. State of U.P., (2008) 1 SCC 560*** relevant extract whereof reads as under;

16. A writ remedy is an equitable one. A person approaching a superior court must come with a pair of clean hands. It not only should not suppress any material fact, but also should not take recourse to the legal proceedings over and over again which amounts to abuse of the process of law. In Advocate General, State of Bihar v. M.P. Khair Industries(1980) 3 SCC 311this Court was of the opinion that such a repeated filing of writ petitions amounts to criminal contempt.

10. A challenge to judgment dated 02.05.2019 passed in OA No. 1773 of 2019, in view of the law laid down in ***L. Chandra Kumar v. Union of India, (1997) 3 SCC 261*** would be subject to the High Court's writ jurisdiction under Articles 226/227 of the Constitution before a Division Bench of this Court which at this stage would be highly belated/liable to be rejected on delay and laches.

11. In the aforesaid facts and attending circumstances, the appeal being devoid of any merit is dismissed, so also the pending miscellaneous applications, if any. We have refrained from imposing costs on the appellant/writ petitioner, initiating proceedings for criminal contempt, however we warn him to be careful in future when seeking recourse to legal processes.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

29th September, 2026
(Tarun Singh)