

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

CWP No.19397 of 2025

Date of decision: 10.08.2026

Ravinder Singh and others Petitioners

Versus

State of H. P. and others Respondents

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹*Whether approved for reporting?*

For the petitioners: Mr. Dheeraj Kanwar, Advocate.

For the respondents: Mr. Raj Negi, Deputy Advocate General.

Vivek Singh Thakur, Judge (Oral)

Petitioners, invoking provisions of Article 226 of the Constitution of India, have approached this Court, seeking the following substantive reliefs:-

“16 (a) Issue a writ of Mandamus Or other appropriate writ or direction as this Hon'ble Court deems fit to quash the order dated 03.10.2025 issued by the respondent department and with further direction to the respondent to treat the petitioners as regularly appointed from the day they joined the service with all consequential benefits of pay Seniority, arrears etc. in the interest of law and justice;

(b) That in the alternative the act called as that “Himachal Pradesh (Recruitment and Conditions of Service of Government

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

Employees) Act 2024”, being ultra vires, may kindly be quashed and set aside in the interest of Law and justice.”

2. Petitioners are seeking regular appointment from the initial date of appointment, in view of the provisions of the Rights of Persons with Disabilities (RPwD) Act, 2016 and also in terms of judgment passed by this Court as well as the Apex Court in **CWP(OA) No.1077 of 2019**, titled **Nitin Kumar vs. State of Himachal Pradesh and another**, **CWP No.5090 of 2022**, titled **Umesh Jaswal and State of H.P. along with connected matter** and **CWP No. 4299 of 2019**, titled **Pushpa Devi and others vs. Himachal Pradesh University**.

3. Another ground taken by petitioners seeking regular appointment from initial date of appointment is that at the time of their recruitment, there was no provision in Recruitment & Promotion [R&P] Rules to appoint them on contract basis and, therefore, petitioners appointed in accordance with R&P Rules, are entitled for regular appointment from the date of their initial appointment. In this regard, reliance has been placed on the judgment dated 09.11.2023 passed by this High Court in **CWPOA No.2343 of 2020**, titled as **Vikram Singh v. Himachal**

Road Transport Corporation alongwith connected matters.

4. Claim of the petitioners has been rejected by the respondents, on the basis of enactment of Himachal Pradesh [Recruitment and Conditions of Service of Government Employees] Act, 2024 (Act No.23 of 2025), vide communication dated 01.10.2025/03.10.2025 [Annexure P-3], issued by Respondent No.2-Director, Animal Husbandry, Himachal Pradesh.

5. Admittedly, main issue involved in present petition with respect to validity, legality and constitutionality of Himachal Pradesh [Recruitment and Conditions of Service of Government Employees] Act, 2024 (Act No.23 of 2025) [in short '**Govt. Employees' Act/ the Act/the impugned Act**'] has been adjudicated and decided vide judgment dated 25.04.2026 passed in **CWP No.3361 of 2025** titled as '**Devinder Kumar & others vs State of H.P and others connected matters**', wherein it has been observed as under:-

“2. In all these petitions, the petitioners are mainly aggrieved by the enactment of the Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 (Act No. 23 of 2025)

(in short **‘Govt. Employees Act’/the Act/the impugned Act**).

3. In this common judgment, we are adjudicating only the constitutionality, validity, and legality of the Govt. Employee Act. For other reliefs, the consequences shall follow accordingly, and in case any further relief(s) is/are required to be determined after adjudication of additional facts, not discussed or adjudicated or covered in this judgment, the petitioners shall be at liberty to avail appropriate remedies, including the filing of fresh petitions for redressal of grievance based on such other issues raised or not raised in these petitions.

.....

202. Accordingly, in view of above discussion and considering the ratio of law laid down by the Apex Court, the impugned Act is quashed and set aside.

203. In view of quashing of the impugned Act, all consequential action, omission and commission of the respondents-State and its functionaries, based on the impugned Act, are declared illegal, unconstitutional and nullify, and resultantly orders/rejection/directions, withdrawal, denying benefits or proposing recovery of already granted reliefs, based on the impugned Act, in conflict with the mandate of the Court are also quashed and set aside and competent authority(ies) is directed to ensure extension of benefits to the employees in terms of judgments passed by the competent Courts, latest by three months from today by issuing appropriate orders, if so required, in consonance with the Constitutional mandate and verdict of the Court(s).”

6. Findings, returned in **CWP No.3361 of 2025** titled '**Devinder Kumar & others vs State of HP and others**', shall be applicable *mutatis mutandis* to present matter to all intents and purposes.

7. Consequently, order, decisions rejecting the claim/prayer of the petitioners in present petition, including impugned Office Order dated 01.10.2025/03.10.2025 [*Annexure P-3*], in view of Government Employees' Act, also stand quashed and set aside, with direction to the respondents/competent authority to decide the same afresh by passing speaking and reasoned order, on or before **30.09.2026**, after giving opportunity of hearing to the petitioners, if so desired.

8. Needless to say, appropriate order shall be passed by taking into consideration the above judgments, referred to on behalf of the petitioners.

9. Decision so taken shall be communicated to the petitioners immediately.

10. It is, however, made clear that for redressal of any surviving grievance(s), petitioners shall be at liberty to avail appropriate remedy, including filing fresh petition

with respect to issue raised or not raised in present petition.

11. Accordingly, present petition is also disposed of in aforesaid terms alongwith pending miscellaneous application(s), if any.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

August 10, 2026
[Bhardwaj]