IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 3260 of 2016 a/w CWPs No225, 308, 471, 1336, 1342, 1343 of 2017, 1731, 2025, 2576, 2760, 2835, 2857, 2931 of 2017, CWPs No.104, 348, 349, 350, 485, 530, 556, 744, 1100, 1228, 1233, 2519 of 2018, CWPs No.362, 763, 943 of 2019, CWPs No.531, 744, 850, 1020, 1079, 2360, 2501 of 2020, CWPs No.2133, 7241 of 2021, CWP No.640 of 2022 and CWP No.489 of 2023
Decided on: 15.05.2024

CWP No.3260 of 2016

Anjana Kumari ... Petitioner

Versus

Union of India & another ... Respondents

CWP No.225 of 2017

Major Singh ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.308 of 2017

Amar Jyoti Dadwal ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.471 of 2017

Ranjana Kumari ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.1336 of 2017

Pawan Kumar ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.1342 of 2017

Anupama Kumari ... Petitioner

Versus

Union of India & others ... Respondents

Whether reporters of the local papers may be allowed to see the judgment?

CWP No.1343 of 2017

Nayan Kamal ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.1731 of 2017

Kashmir Singh ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.2025 of 2017

Dr. Pamil Kumar ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.2576 of 2017

Jhumkesh Kumar & others ... Petitioners

Versus

Union of India & others ... Respondents

CWP No.2760 of 2017

Archana ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.2835 of 2017

Dr. Gaurav Soni ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.2857 of 2017

Dr. Anuja Sharma ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.2931 of 2017

Ex-LNK. Lal Chand No.399483 ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.104 of 2018

Hem Raj ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.348 of 2018

Kusum Lata & others ... Petitioners

Versus

Union of India & others ... Respondents

CWP No.349 of 2018

Neha Sharma & others ... Petitioners

Versus

Union of India & others ... Respondents

CWP No.350 of 2018

Ishan Sharma & others ... Petitioners

Versus

Union of India & others ... Respondents

CWP No.485 of 2018

Vishal Goura & others ... Petitioners

Versus

Union of India & others ... Respondents

CWP No.530 of 2018

Ramesh Chand ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.556 of 2018

Naresh Kumar & another ... Petitioners

Versus

Union of India & others ... Respondents

CWP No.744 of 2018

Sarita Kumari ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.1100 of 2018

Pinky Devi ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.1228 of 2018

Nirmala Devi ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.1233 of 2018

Kumari Ankush Sharma ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.2519 of 2018

Krishan Lal ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.362 of 2019

Joginder Kumar ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.763 of 2019

Anil Kumar ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.943 of 2019

Ashok Kumar ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.531 of 2020

Shashi Kumar ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.744 of 2020

Ex. Hav Madan Lal ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.850 of 2020

Raj Kumar ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.1020 of 2020

Ex. Nk. Pawan Kumar ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.1079 of 2020

Praveen Kumar ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.2360 of 2020

Swaroopi Devi ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.2501 of 2020

Ex. Hav. Achhar Singh & another ... Petitioners

Versus

Union of India & others ... Respondents

CWP No.2133 of 2021

Ex-Subedar Bhupender Singh Verma ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.7241 of 2021

Ex. Nb. Sub Dharam Chand ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.640 of 2022

Ex-Subedar Bhupender Singh Verma ... Petitioner

Versus

Union of India & others ... Respondents

CWP No.489 of 2023

Raj Kumari ... Petitioner

Versus

Union of India & others ... Respondents

Coram
Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1]

For the petitioner	:	Dr. Lalit Kumar Sharma, Mr. Tara Singh Chauhan, Mr. Nipun Sharma, Mr. Devender K. Sharma, Aman Parth Sharma, Advocates, for the petitioner(s), in all the respective petitions.
For the respondents	:	Mr. Balram Sharma, Deputy Solicitor General of India, for the respondents-UOI, in all the respective petitions. None for private respondents.

Ajay Mohan Goel, Judge *(Oral)*

When the cases were taken up for consideration, the Court was informed that Hon'ble Division Bench of this Court has passed the following order in similar cases:-

> "*1. It is not in dispute that the similar issue, as involved in the instant petition, is pending before the Hon'ble Supreme Court in SLP(C) No.36359 of 2016.*
>
> *2. In the given facts and circumstances, we dispose of this petition by directing that the instant petition shall abide by the decision of SLP(C) No.36359 of 2016 pending before the Hon'ble Supreme Court.*
>
> *3. The petition is disposed of in the aforesaid terms.*

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

Pending miscellaneous application(s), if any, also stand disposed of."

2. Learned counsel for the parties submit that these Writ petitions can also be disposed of by passing the same order.

3. Learned Deputy Solicitor General of India submits that it be clarified that the petitioners, who either have attained or shall be attaining the age of superannuation as per the Policy, can be retired by the Department concerned on attaining superannuation.

4. Mr. Aman Parth Sharma, learned counsel appearing for the respondents in CWP No.744 of 2018, submits that it may also be observed that those petitioners who have not been granted interim protection, shall get complete benefit of the adjudication of the matter by Hon'ble Supreme Court of India.

5. Accordingly, as agreed, all these petitions are disposed of by observing that in view of the fact that similar issue is pending adjudication before Hon'ble Supreme Court of India in SLP(C) No.36359 of 2016, it is directed that the present petitions shall abide by the decision of Hon'ble Supreme Court in SLP(C) No.36359 of 2016. The petitioners who have been engaged by virtue of the orders passed by this Court, shall continue to get the protection of the orders, till the adjudication of the matter by Hon'ble Supreme Court of India or till they superannuate as per the Policy, whichever is

earlier. Similarly, qua those petitioners who have not been granted any interim protection by the Court, the outcome of the SLP(C) No.36359 of 2016 shall be binding on both the parties qua the reliefs for which they approached the Court at the first instance. The respondents shall be at liberty to fill up the posts which are presently lying vacant on account of resignation tendered by some of the petitioners, but this shall also abide by the decision of SLP(C) No.36359 of 2016. The parties shall be at liberty to approach this Court in case any clarification or modification of this order is required. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

May 15, 2024
(Rishi)