IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.6652 of 2024

Decided on:31st December, 2024

Sonika ....Petitioner

Versus

State of H.P. & Anr. ...Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

[1] *Whether approved for reporting?*

For the petitioner: Mr. J.P.Sharma, Advocate.

For the respondents: Mr. Amandeep Sharma, Additional Advocate General.

Jyotsna Rewal Dua, Judge

Though, the respondents have not filed reply, however, with the consent of learned counsel for the parties, matter is heard at this stage.

2. This writ petition has been filed for grant of following substantive reliefs: -

> "*(1) That this Hon'ble Court may kindly be pleased to issue the writ in the nature of mandamus or any other appropriate writ or directions thereby directing the respondents for counting the service render by the petitioner on contract basis w.e.f 15.11.2019 to 25.04.22 for the purpose of*

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

seniority, increment and others consequential benefits from the date of initial appointment of the petitioner Including qualifying service for pensionary benefits like a benefit under CAS as per the "judgment dated 24.11.2023, passed in CWP 2004/2017 titled as Taj Mohammed and ors. versus State of H.P and ors. and judgment dated 24-11-23 passed in CWPOA 3282/2019

2) Respondent may be Further directed to release the due and admissible arrear to the petitioner along with interest @9% and other consequential benefits."

3. Learned counsel for the petitioner submitted that the grievance of the petitioner in respect of the above reliefs have already been adjudicated upon in ***Taj Mohammad and others Versus The State of Himachal Pradesh and others***[2]**.** Learned counsel further submits that the petitioner would be content in case the respondents are directed to consider and decide the case of the petitioner for grant of above reliefs in light of the aforesaid judgment within a fixed time schedule. Learned counsel for the respondents submit that the respondents are not averse to consider the case of the petitioner in light of the aforesaid judgment, however, all rights and contentions of the parties be left open for decision.

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[2] *CWP No.2004 of 2017* decided alongwith connected matter on 03.08.2023.

4. Having regard to the afore-submissions, but without examining the merits of the matter, this writ petition is disposed of by directing the respondents to consider and decide the case of the petitioner for grant of above reliefs, in accordance with law and taking into consideration the above judgment in the case of *Taj Mohammad, supra*, within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioner.

It is clarified that all rights and contentions of the parties are left open.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

December 31, 2024
R.Atal