IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.15440 of 2024
Date of decision: 18.12.2024

Manurag. ...Petitioner.

Versus

State of H.P. & Ors. ...Respondents.

Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?

For the petitioner	:	Mr. Piyush Dhanotia & Mr. Rajat Kumar, Advocates.
For the respondents	:	Mr. Y.P.S. Dhaulta, Additional Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Mr. Y.P.S. Dhaulta, Additional Advocate General, appears and waives service of notice on behalf of respondents. 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 relief(s):-

> *"(i). That this Hon'ble Court may be pleased to issue the Writ in the nature of Certiorari or any other appropriate writ order or direction quashing and setting aside the Impugned action of the Respondents, whereby the Regularization of the Petitioner has been delayed unnecessarily and has been regularized on and w.e.f. 18.01.2022 instead from 28.12.2021 being patently illegal, arbitrary and unconstitutional besides the same being in violation to the settled law of the land.*

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

ii) That this Hon'ble Court mau be pleased to issue the Writ in the nature of mandamus directing the Respondents to regularize the services of the Petitioner w.e.f. 28.12.2021 I.e. from the date the Regularization Policy was liberalized or from the date prior to 03.01.2022, along with all consequential benefits, including the benefit of Himachal Pradesh Civil Services (Revised pay) Rules, 2022 keeping in view the fact that the Petitioners have completed two years of contract service in the month of May, 2021 i.e. prior to 30.09.2021 as per the Regularization policy dated the benefit of Himachal Pradesh Civil Services (Revised pay) Rules, 2022 after taking into account the services rendered by them on contract basis os having been appointed prior to 03.01.2022.

or in alternative

iii) That this Hon'ble Court may be pleased to issue the Writ in the nature of mandamus directing the Respondents to grant the benefit of Himachal Pradesh Civil Services (Revised pay) Rules, 2022 as per communication dated 15.03.2023 (Annexure P-9) keeping in view the fact that the Petitioner has completed two years of regular service as on 13.01.2024."

iv) That this Hon'ble Court may be pleased to issue the Writ in the nature of mandamus directing the Respondents to grant the benefit of Himachal Pradesh Civil Services (Revised pay) Rules, 2022 petitioner along with up-to-date interest at the rate of 12% per annum, keeping in view the fact other incumbents in same department had been receiving the benefit of Higher Pay Scale from the month of April 2024."

3. According to the petitioner, the legal issue involved in the case has already been adjudicated upon in ***Mohit Sharma & Anr. vs. State of H.P. & Ors***.[1] Learned counsel for the petitioner submits that the petitioner would be satisfied in case he is permitted to file a comprehensive

[1]CWP No.1638 of 2024 decided on 29.11.2024.

representation to the competent authority and the competent authority be directed to decide the same in a time-bound manner. Learned Additional Advocate General has no objection to this prayer.

4. Having regard to above submissions, this petition is disposed by permitting the petitioner to file representation within two weeks, which shall be decided by the respondents/competent authority in accordance with law within six weeks from the date of receipt of the same, keeping in view the aforesaid judgment. The decision so arrived at, be also communicated to the petitioner.

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

Jyotsna Rewal Dua
Judge

18th December, 2024
(Pardeep)