IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

LPA No. 179 of 2025
Decided on: 03.06.2025

Ms. Srishti Pal Vasudeva and another Appellants

Versus

Narsingh Dutt and others

...Respondents

Coram
Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice
Hon'ble Mr. Justice Ranjan Sharma, Judge

[1] *Whether approved for reporting?*

For the appellants: Mr. Bimal Gupta, Senior Advocate, with Ms. Kusum Chaudhary, Advocate.

Mr. C.N. Singh and Mr. Devender Sharma, Advocate, for respondent No.1.

Mr. Gobind Korla, Additional Advocate General for respondents No. 2 to 4-State.

G.S. Sandhawalia, Chief Justice *[Oral]*

Present Letters Patent Appeal is directed against the order of learned Single Judge in CWP No.5984 of 2021, titled **Narsingh Dutt versus State of Himachal Pradesh and others**, decided on 28.02.2024.

2025:HHC:17897

2. The appellants who are aggrieved only by the imposition of cost of Rs.1,00,000/- upon them which were to be personally paid by the Principal Chief Conservator of Forests, District Shimla, H.P-appellant No.1 who passed the order dated 17.12.2015 and the Divisional Forest Officer, Forest Division, Karsog, District Mandi, H.P. who passed the order dated 04.09.2020. The learned Single Judge noticed that the workman was forced to litigate for his grievances since the year 2010 and different pleas were taken by the respondents-State to reject his claim.

3. Resultantly, while placing reliance upon **Special Leave Petition (Civil) Diary No(s).30326 of 2023**, titled as **The Special Land Acquisition Officer versus Vithal Rao**, decided on 06.09.2023 and in **Special Leave to Appeal (C) No(s).** 3398/2024, titled as **State of Rajasthan and others** versus **Gopal Bijawat,** decided on 16.02.2024, the cost had been imposed upon the appellants, as such. It has been mentioned that the work charge status had been granted in favour of one Ajit Kumar Thakur by the concerned Divisional Forest Officer on 28.02.2012 and similarly one Dhani Ram had also

2025:HHC:17897

been granted the same benefit on 04.01.2013 by the Principal Chief Conservator of Forest. Similar order has been issued on 11.05.2011 to one Narain Dass [Mali]. In such circumstances, the learned Single Judge came to the conclusion that the denial of the work charge status on 17.12.2015, on the ground that the Forest Department was not having work charge establishment by appellant No.1, was held not justified.

4. Whereas, the conduct of appellant No.2, as such was noticed that the employer was agitating for his grievances since October 2010, when directions were issued to decide his representation within one month. It was only done after a period of five years on 17.12.2015. The fresh petition had been filed before the Tribunal which was decided on 01.11.2017 and thereafter, the case was again rejected on 04.09.2020, (*Annexure P-11)* by appellant No.2-Divisonal Forest Officer and in such circumstances, the cost has been imposed.

5. We have perused the record and it is the case of learned Senior Counsel that when appellant No.1 has passed the order on 17.12.2015 in reference to the fact that he had been asked to determine whether the H.P.

2025:HHC:17897

Forest Department is having the work charge establishment or not vide letter of the Government dated 10.07.2015 and it was in terms of the judgment of Apex Court in **Jaswant Singh & Ors** Vs. **Union of India & Ors. (1979) 4 SCC**. Accordingly, it is submitted that there is nothing on record to show that the earlier orders of other employees were passed by him and that there was any contradiction, as such and it was not the intention to deny the work charge establishment to the workman. Counsel for the respondent could not demonstrate as such from the file that the earlier order was passed by the same appellant No.1, namely, **S.P. Vasudeva**.

6. Resultantly, we are of the considered opinion that the findings of the learned Single Judge, as such on the issue that there was contradictory orders passed are not correct as nothing could be shown that the earlier orders were passed by appellant No.1 at earlier point of time in 2011.

7. Coming to appellant No.2, the situation is apparently different. The Tribunal on 01.11.2017 had passed the order to consider the case in view of the

2025:HHC:17897

earlier judgments passed by this Court in **CWP No.1894 of 2016**, titled **State of H.P and others** versus **Bhaskar Ram**, decided on 24.07.2017 and order dated 06.07.2017 passed by the Tribunal in **O.A. No.5338 of 2016** titled **Hero Devi versus State of H.P.** Needful was to be done within a period of two months. The employees, as such, had filed **Execution Petition No.264 of 2020** for getting the said order implemented and it was noticed by the learned Single Judge of this Court on 09.07.2020 that the Apex Court had already passed an order dated 29.03.2019 dismissing the orders passed in **Bhaskar Ram** and **Hero Devi**, and therefore, the respondent-State had no option but to implement the judgment. Resultantly, directions were issued, as such for implementation of the judgment within a period four weeks.

8. Inspite of that order, on 04.09.2020, order Annexure P-11, has been passed, which was subject matter of challenge before the learned Single Judge, wherein stand taken was that the cases of **Bhaskar Ram** and **Hero Devi** were still pending, which is totally incorrect, as apparently the in Execution itself, it was

2025:HHC:17897

held to the contrary and the order dated 29.03.2019, *Annexure P-9*, is also on record where the SLP has been dismissed. Therefore, the order passed by appellant No.2, as such, has rightly been held to have been passed for the purpose to deny the writ petitioner his necessary dues merely because he is a Class-IV employee fighting for his right.

9. In such circumstances, we are of the considered opinion that the present appeal is liable to be allowed partly to the extent of appellant No.1, whereby the cost was imposed upon him since there was no contrary order passed by him as observed above. Accordingly, the said cost would now become payable by appellant No.2.

Accordingly, the instant appeal is partly allowed to the above extent. Pending miscellaneous application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Ranjan Sharma)
Judge

June 03, 2025
[himani/Chiranjeev]