IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.1458 of 2024
Date of Decision: 04.11.2026

Yudhvir Singh and Another .....Petitioners

Versus

The State of Himachal Pradesh and Others .....Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge
Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting? Yes.

For the petitioners: Mr. Vinod Kumar Thakur and Mr. Sumesh Raj, Advocates.

For the respondents: Mr. Pushpinder Singh Jaswal, Additional Advocate General and Mr. Rajat Chauhan, Assistant Advocate General, for respondents No.1 & 2-State.

Mr. Vikrant Thakur, Senior Advocate, with Ms. Shivani Priya and Ms. Supriya Chaudhary, Advocates, for respondent No.3.

Mr. Vijay Kumar Arora, Senior Advocate, with Mr. Hitansh Raj, Mr. Gaurav Kumar, Ms. Avantika Bhandari and Ms. Rashita Gaur, Advocates, for respondent No.4.

Mr. Adarsh Sharma, Advocate, for respondents No.23, 25, 26, 28, 50 and 90.

Mr. Sanjeev Kumar Suri, Advocate, for respondents No.5, 6, 8 to 18, 20, 21, 29 to 36, 38 to 40, 42 to 48,51, 52, 54 to 68, 70 to 74, 76 to 82, 86, 87, 89, 92 to 102, 104 and 106.

Mr. Onkar Jairath, Senior Advocate, with Mr. Piyush Mehta, Mr. Anshul Jairath and Ms. Neha Thakur, Advocates, for respondent No.69.

Mr. Abhishek Balahia, Advocate, vice Mr. Sudhir Bhatnagar, Advocate, for respondent No.83.

Mr. Sparsh Bhushan, Advocate, for respondents No.7, 41, 84, 45 and 91.

Ajay Mohan Goel, J. *(Oral)*

By way of the present writ petition, the petitioners have, *inter alia*, prayed for the following reliefs:

> "i) That the policy dated 03.10.2015 be declared as null and void and the respondents No.1 & 2 may kindly be directed to frame the policy as per the directions contained in LPA No.107/2014 in its true letter and spirit in accordance with Law.
>
> ii) That all the consequential orders of appointment/ Regularization/ fixing of seniority as per policy dated 03.10.2015 be also declared as null and void.
>
> iii) That the respondents may kindly be restrained from giving further benefits to the incumbents regularized in pursuant to notification dated 03.10.2015 Ann. P-3."

2. As per petitioners, petitioner No.1 was appointed as a Lecturer (Chemistry) on the recommendation of the Public Service Commission on 04.02.2019 on contract basis. Similarly, petitioner No.2 was appointed as a Lecturer (Civil Engineering) in Government Polytechnic College, Kullu, through the Public Service Commission on 30.11.2019 on contract basis. Petitioner No.1 was regularized

vide order dated 23.02.2022, whereas petitioner No.2 was regularized vide order dated 22.04.2022.

3. Case of the petitioners is that before filing of this writ petition, a seniority list was issued by the respondent-Department. In the said seniority list, the petitioners have been placed below the private respondents, and therefore, feeling aggrieved, they have approached this Court, praying for the reliefs already enumerated hereinabove.

4. The maintainability of the petition has been questioned by the respondents on the ground that the petitioners do not have any *locus* to file and maintain the present writ petition. It is also the stand of the respondents that earlier challenges to the said Policy in other legal proceedings have ended against the petitioners and therefore also, the present petition is not maintainable.

5. Having heard learned counsel for the petitioners, learned Additional Advocate General and learned counsels appearing for the private respondents, we are of the considered view that the present writ petition deserves to be dismissed on the ground of lack of *locus standi* itself.

6. The petitioners have challenged a Policy notified by the State Government vide Notification dated 03.10.2015, copy whereof is appended with the petition as Annexure P-3. In terms of this Notification, the Government, as a one-time measure, decided to

take over the services of all the teaching and non-teaching employees engaged on hourly or period/lecture basis through Student Welfare Fund, Institute Management Committee and other schemes, up to 31.07.2015, in Government Engineering Colleges, Polytechnics, and Industrial Training Institutes of the Department of Technical Education, Vocational and Industrial Training, on contract basis, after completion of seven years or 9600 hours, whichever was earlier. The taking over of the services of the incumbents in terms of the aforesaid Notification was subject to the fulfilment of the conditions mentioned therein.

7. The Court stands informed that pursuant to the issuance of said Notification, incumbents, whose services were entitled to be taken over, were initially engaged on contract basis commencing from the year 2016 and the incumbents, who were engaged on contract basis in the year 2016, were regularized from the year 2019.

8. The petitioners herein were appointed on contract basis in the year 2019 through Public Service Commission. According to us, cause of action, if any, accrued in favour of the petitioners to assail this particular Notification immediately when they were appointed on contract basis in the year 2019.

9. Learned counsel for the petitioners submitted that at the time when the petitioners were appointed, because their

appointment was on contract basis and not on regular basis, they did not have any *locus* to file and maintain the writ petition. This right accrued in their favour only after (a) regularization of their services; and (b) after the issuance of the seniority list, when they came to know that certain persons, including the private respondents, stood placed above them in the seniority list.

10. This submission of learned counsel for the petitioners does not satisfy this Court. This is for the reason, that as observed by us hereinabove, the Notification of taking over of the services of the incumbents, who were eligible in terms thereof, was issued on 03.10.2015 and was in force as on the date when the petitioners were appointed on contract basis. The effect thereof was there for everyone to see, including the petitioners.

11. The Notification dated 03.10.2015 was limited to Government Engineering Colleges, Polytechnics and Industrial Training Institutes of the Department of Technical Education, Vocational and Industrial Training. Meaning thereby, that this Notification was applicable only with regard to the Institutes, whose names were mentioned therein, and was not a general Policy of taking over of incumbents engaged in various Departments by the State, which otherwise is ordinarily issued.

12. The petitioners were well aware that Notification dated 03.10.2015 was issued as there were incumbents serving in the said

Departments, i.e., teaching and non-teaching, engaged on hourly or period/lecture basis through Student Welfare Fund, Institute Management Committee, and under other Schemes, who had completed either 7 years of service or 9600 hours as on the date of the issuance of aforesaid Notification up to 31.07.2015.

13. It could not be disputed before us on behalf of the petitioners that immediately after the issuance of Notification dated 03.10.2015, incumbents, who were fulfilling the criteria mentioned therein, were engaged on contract basis. The incumbents who were so engaged on contract basis in the year 2016, were also regularized in the year 2019. As the petitioners were engaged on contract basis only in the year 2019, they ought to have been aware that all those incumbents, who stood engaged on contract basis before they were engaged on contract basis, would rank above them in seniority. Yet, they did not challenge the aforesaid Notification.

14. Therefore, according to us, cause of action, if any, to assail the Notification dated 03.10.2015, accrued to the petitioners when they were engaged on contract basis, but for the reasons best known to them, they did not assail the Notification in the year 2019 and have assailed the same by way of the present writ petition, which was filed only in the year 2024.

15. Now, we will address the other contention of the learned counsel for the petitioners that the cause of action accrued

thereafter in favour of the petitioners in the year 2022, when their services were regularized. Though, we reiterate our finding returned hereinabove that the cause of action initially accrued in favour of the petitioners to assail the Notification in 2019, when they were appointed on contract basis, but even if we have to consider the contention of the learned counsel for the petitioners that even as on the date of their regularization in 2022, the cause of action accrued in their favour, then also, they did not assail the Notification immediately thereafter, but filed the writ petition after two years, i.e., in the year 2024. Why so? Nothing could be submitted on their behalf in this regard.

16. The submission of the learned counsel for the petitioners that the cause of action accrued only when the seniority lists were issued in which the private respondents and other persons were placed above the petitioners, as observed hereinabove also, does not convince us. This is for the reason that anyone and everyone, who was/were engaged on contract basis and thereafter regularized before the petitioners were engaged on contract basis, obviously had to be placed above them in the seniority list. The placement of said incumbents and also of the petitioners in the seniority list was only an outcome of what had actually happened in the year 2015, followed by the engagement of incumbents on contract basis after

the Notification in question was issued, which was subsequently followed by their regularization.

17. Obviously, as all the persons, who are placed above the petitioners in the seniority list, were not only engaged on contract basis in terms of the Notification (Annexure P-3) much before the petitioners were engaged on contract basis, but their services were also regularized before the services of the petitioners were regularized, after their appointment on contract basis, therefore said incumbents were to be reflected above them in the seniority list.

18. Their reflection, as such, in the seniority list over and above the petitioners did not give rise to any fresh cause of action to the petitioners. We reiterate that the cause of action, if any, accrued in the year 2019, and the petitioners having failed to approach the Court in the year 2019, have no subsisting cause of action or *locus standi* to maintain the present writ petition, which is accordingly liable to be dismissed.

19. We have purposely not entered into other issues raised by the parties, including the fact that the petition is otherwise not maintainable as, according to the respondents, the issue as to whether the Notification under challenge is sustainable in law or not is no more *res integra*.

20. Consequently, in view of the above discussions, present petition is dismissed. All pending miscellaneous application(s), if any, shall also stand disposed of.

(Ajay Mohan Goel),
Judge

(Yogesh Jaswal),
Judge

November 04, 2026
Rajeev Raturi