IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 2985 of 2026
Decided on : 27.04.2026

Dalip Singh …Petitioner.

Versus

State of Himachal Pradesh & Ors. …Respondents.

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.
Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. Virbahadur Verma, Mr. Mukul Sharma and Mr. Aditya Singh Thakur, Advocates, for the petitioner.

For the respondent(s) : Mr.Anup Rattan, Advocate General with Mr. Sushant Keprate, Additional Advocate General.

Vivek Singh Thakur, Judge

Admittedly, main issue involved in present petition with respect to validity, legality and constitutionality of Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 (Act No. 23 of 2025) (in short 'Govt. Employees Act'/the Act/the impugned Act) has been adjudicated and decided vide judgment dated 25.04.2026 passed in CWP No.3361 of 2025 titled as Devinder Kumar & others vs State of H.P and others connected matters, wherein, it has been observed as under:-

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

> "2. In all these petitions, the petitioners are mainly aggrieved by the enactment of the Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 (Act No. 23 of 2025) (in short 'Govt. Employees Act'/the Act/the impugned Act).
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> 3. In this common judgment, we are adjudicating only the constitutionality, validity, and legality of the Govt. Employee Act. For other reliefs, the consequences shall follow accordingly, and in case any further relief(s) is/are required to be determined after adjudication of additional facts, not discussed or adjudicated or covered in this judgment, the petitioners shall be at liberty to avail appropriate remedies, including the filing of fresh petitions for redressal of grievance based on such other issues raised or not raised in these petitions.
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> 202. Accordingly, in view of above discussion and considering the ratio of law laid down by the Apex Court, the impugned Act is quashed and set aside.
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> 203. In view of quashing of the impugned Act, all consequential action, omission and commission of the respondents-State and its functionaries, based on the impugned Act, are declared illegal, unconstitutional and nullify, and resultantly orders/rejection/directions, withdrawal, denying benefits or proposing recovery of already granted reliefs, based on the impugned Act, in conflict with the mandate of the Court are also quashed and set aside and competent authority(ies) is directed to ensure extension of benefits to the employees in terms of judgments passed by the competent Courts, latest by three months from today by issuing appropriate orders, if so required, in consonance with the Constitutional mandate and verdict of the Court(s)."

2. Finding returned in CWP No.3361 of 2025 title Devinder Kumar & Others vs State of HP and others shall be applicable mutatis mutandis to present matter to all intends and purposes.

3. Consequently, impugned office order dated 23.02.2026 rejecting the claim/prayer of the petitioner in view of Government Employees Act also stands quashed and set aside with direction to

the competent Authority to decide the same afresh by taking into consideration the following settled law:-

1. Where there is adjudication and verdict of the Court in favour of employee(s) or category of employees, benefits to such employee(s) shall be governed and extended in terms of such mandate of the Court notwithstanding anything else.

2. Where there is no specific mandate of Court, such category of employees, appointed on contract in terms of Policy for appointment on contract, but without following the procedure prescribed in Recruitment and Promotion Rules or akin to such provided for regular appointments, followed by regular appointment without interruption, regularization, shall be entitled for counting of contract period of service as qualified service for pensionary/retiral benefits in addition to period of regular service in terms of Rule 17 of CCS (Pension) Rules as well as for mandate of the Courts, and consequently shall be entitled for taking into consideration annual increments for contract period of service by adding the same on notional basis for the purpose of calculation of last pay drawn for determining pension/retiral benefits but not for arrears on account of increment during contract period of service, and such contract period shall not be counted for determining the seniority.

3. Employees initially appointed on contract basis by following procedure prescribed in Recruitment and Promotion Rules/Service Rules framed under Article 309 of the Constitution, after subjecting to rigors of such

process as applicable for regular appointments including prescribed essential eligibility, with wide publicity inviting all eligible persons to participate in open competition, similar to competition to be adopted for regular appointments**,** OR any other prescribed mode of recruitment in terms of/following procedure prescribed in Recruitment and Promotion Rules for recruitment including batch-wise etc.,on regularization, shall be entitled for all consequential benefits like counting of contract period of service as qualifying service and financial benefits including increments as well as seniority from the date of their initial appointment.

4. Being a recurring cause of action with respect to claim of pensionary and retiral benefits, but for delay in putting forth claim with Authority or in the Court, financial benefits may be restricted to 3 years prior to putting forth such claim or may be awarded prospectively by taking into consideration the facts and circumstances of each individual case. However, where there is verdict of the Court to extend such benefits without any restriction, the State or its Officers are not empowered to curtail the same without expressed order of the competent Court.

4. Accordingly, aforesaid observations and directions, this petition is disposed of in terms of CWP No.3361 of 2025 with liberty to the parties to avail appropriate remedy with respect to surviving grievance, if any, regarding issue raised or not raised in this petition including filing of fresh petition.

Pending miscellaneous application(s), if any, also stands disposed of in the same terms.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

27th April, 2026
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