IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMP(M) No. 599 of 2026
and LPA No. 244 of 2026

Decided on: 28.04.2026

State of H.P. and Anr. ….Appellants.

Versus

Rajiv Kumar and Anr. …Respondents.

Coram

The Hon'ble Mr. Justice Gurmeet Singh Sandhawalia, Chief Justice.

The Hon'ble Mr. Justice Bipin C. Negi, Judge.

Whether approved for reporting?[1]

For the appellants : Mr. Pranay Pratap Singh,
Additional Advocate General.

G.S. Sandhawalia, Chief Justice *(Oral)*

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Keeping in view the averments made in the application, duly supported by the affidavit of the official, delay of 241 days in filing the appeal is condoned. The application stands disposed of.

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1 *Whether reporters of the local papers may be allowed to see the judgment?*

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2. In the present appeal which is barred by 241 days consideration is sought with regard to the directions for regularization issued in CWP No. 10982 of 2023, titled as Rajiv Kumar Vs. State of H.P. and Ors, decided on 07.05.2025, in view of the law laid down in ***CWP No. 10250 of 2023,*** titled as Pramod Singh Vs. State of H.P. and others. The petitioner had sought directions issued therein for regularization of his services with effect from the date of his appointment on contract basis.

3. Learned counsel for the State has argued that the regularization was done on 28.06.2007 after completion of eight years as per the pleadings contained in paragraph-5 (Annexure P-3). The writ petition was filed in the year 2023 claiming regularization from the date of his appointment i.e. 07.10.1998 and it has been specifically stated that the petitioner had never made any effort regarding back date regularization, while placing reliance upon the judgment in ***State of U.P. and Ors.*** Vs. ***Arvind Kumar Srivastava and Ors. (2015) 1 SCC 347*** in the written statement.

4. A perusal of the order under consideration however, would go on to show that the Additional Advocate

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General, on the basis of the instructions, had conceded that the case of the petitioner was covered by the aforesaid decision.

5. In such circumstances, we are of the opinion that the remedy as sought in the present appeal is not available to the State against the concession granted inspite of the pleaded facts. In view of the written statement filed by respondents No. 1 and 2/ present appellants and faced with the above situation, learned counsel for the State submits that the liberty be granted to approach the learned Single Judge and seeks dismissal of the appeal as not pressed for the aforesaid reason.

6. Accordingly, the present petition is dismissed as not pressed with the aforesaid liberty.

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

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

28th April, 2026
(sushma)

(2026:HHC:14195)