IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

COPC No.1019 of 2026

Date of Decision: 29.10.2026

Mool Raj

....Petitioner

Versus

Rakesh Kanwar and another

…Respondents

Coram

Hon'ble Mr. Justice Sushil Kukreja, Judge

Whether approved for reporting?[1]

For the petitioner : Mr. Kush Sharma, Advocate.

For the respondents: Mr.B.N. Sharma, Additional Advocate General.

Sushil Kukreja, Judge (Oral)

The present contempt petition has been filed on the following substantive reliefs:-

> *"i. That this petition may kindly be allowed and appropriate proceedings may be initiated against the contemnors under the Contempt of Court Act 1972 for not implementing the order dated dated 02.11.2022 (Annexure P-1) passed by this Hon'ble Court in CWP No. 7663 of 2022 vide Judgment dated 02.11.2022, case titled as Tek Chand & Others Vs State of H.P. & others in its letter and spirit.*
>
> *ii. Directing the respondents to give benefit of seniority qua their regularized services w.e.f. 01.04.2018 and to grant the continuity of service and seniority for the purpose of promotion from due date and pension."*

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

2. It has been fairly submitted by the learned counsel for the petitioner that all the consequential benefits have been given to the petitioner in terms of judgment dated 02.11.2022, passed in *CWP No.7663 of 2022, titled Tek Chand and others Vs. State of HP and others*, except the benefit of seniority qua his regularized services w.e.f. 01.04.2018.

3. In the compliance affidavit, it has been stated by the respondents that as per the judgment passed by the Hon'ble Supreme Court in SLP(C) No.24885 of 2026, titled State of Himachal Pradesh & another Vs. Devinder Kumar & others, the seniority is to be allowed from the initial date of appointment on contract basis as per the judgment passed in *Taj Mohammad's* case decided by this Court on 03.08.2023. Relevant portion of compliance affidavit is reproduced as under:-

> *"That as per judgment passed by the Hon'ble Supreme Court the seniority is to be allowed from the initial date of appointment on contract basis as per judgment passed in Taj Mohammad case decided by the Hon'ble High Court on 03/08/2023. Now all the seniority list and promotions made earlier are in question now. The seniority list finalized in respect of petitioners has also to be reviewed….."*

4. Therefore, in view of the above, no further orders are required to be passed in the present contempt petition at this stage, except that the issue with regard to promotion, if any, given to the person junior to the petitioner shall also be taken into consideration while reviewing the seniority list.

5. The petition is disposed of, so also pending application(s), if any, at this stage.

6. However, the petitioner is at liberty to revive the contempt petition in case the needful is not done in accordance with the affidavit dated 21.09.2026 filed on behalf of the respondents.

(Sushil Kukreja)
Judge

October 29, 2026
(*V. Himalvi)*