IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

COPC No.918 of 2024

Date of Decision: 30.10.2026

Babu Ram Sharma

....Petitioner

Versus

Dr. Abhishek Jain and others

…Respondents

Coram

Hon'ble Mr. Justice Sushil Kukreja, Judge

Whether approved for reporting?[1]

For the petitioner	:	Mr. Surender Sharma, Senior Advocate, with Mr. Neeraj Sharma & Mr. Sidharth, Advocates.
For the respondents:		Mr.Anup Rattan, Advocate General, with Mr. Raj Kumar Negi, Additional Advocate General.

Sushil Kukreja, Judge (Oral)

The present contempt petition has been filed by the petitioner for initiating contempt proceedings against the respondents for the alleged willful and deliberate disobedience of judgment/order dated 21.12.2023, passed by the Hon'ble Division Bench of this Court in *CWPOA No.6283 of 2023*.

---

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

2. It may be pertinent to mention here that on 21.12.2023, the Hon'ble Division Bench of this Court passed the following order:-

> *"Consequently, in view of detailed discussion made hereinabove as well as law taken into consideration, we find merit in the present petition and accordingly same is disposed of. Respondents are directed to consider the case for framing of Recruitment and Promotion Rules for the post of Data Entry Operator and to provide promotional channel to the petitioner. However, in case the respondents feel incapacitated to do so, for the reason that the cadre of Data Entry Operators is a 'dying cadre', respondents are directed to consider the case for conversion of the posts of Data Entry Operators to those of Clerks or Clerks-cum-Data Entry Operators, so that the petitioner is not compelled to stagnate on one post. Since the petitioner has been fighting for his rightful claim for a considerable time, this Court hopes and trusts that the needful in terms of the extant directions, shall be done expeditiously, preferably within a period of six weeks."*

3. Perusal of the aforesaid order dated 21.12.2023 shows that the respondents were directed to consider the case of the petitioner for framing of Recruitment and Promotion Rules for the post of Data Entry Operator and to provide promotional channel to the petitioner and in case, the respondents feel incapacitated to do so, they were directed to consider the case for conversion to the posts of Data Entry Operators to those of Clerks-cum-Data Entry Operators.

3. Pursuant to the aforesaid directions, the respondents have passed a speaking order on 23.09.2024 (Annexure- C/3), relevant portions whereof read as under:-

> *"5.Whereas the matter was taken up with the Finance Department many times for conversion of the post from DEO to the post of Clerk and Finance Department has conveyed their inability to convert the post from DEO to the post of Clerk. There are no R&P Rules framed for the post of DEO nor any further promotion avenues exist for the post of DEO in the department.*
>
> *6.Whereas the process of framing of R&P Rules has been asked to be initiated which on approval of concerned advisory departments and finalization thereof would be applicable from prospective effect on the candidates working in the department(s) and also conversion of the post of DEO to Clerk cannot be done retrospectively. Therefore, after going through the facts and circumstances of this case and careful consideration it is clear that it will not be possible to accede to the pleas of the applicant in his above petition as he has not worked on the proposed post of clerk having already retired."*

4. Since pursuant to the direction of the Hon'ble Division Bench of this Court, the respondents have taken a decision by way of speaking order dated 23.09.2024, therefore, no further orders are required to be passed in the present contempt petition and accordingly, the same is closed and disposed of. Notice discharged

5. However, liberty is reserved to the petitioner to assail order dated 23.09.2024, in accordance with law, if he is still aggrieved.

The petition is disposed of, so also the pending application(s), if any.

(Sushil Kukreja)
Judge

October 30, 2026
(*V. Himalvi)*