IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.18004 of 2026
Decided on: 05.11.2026

Sub Maj. Sushil Sharma ....Petitioner

Versus

Union of India & Ors . ...Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

[1] *Whether approved for reporting?*

For the petitioner: Mr. Surya Chauhan, Advocate.

For the respondents: Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajiv Sharma, Advocate.

Jyotsna Rewal Dua, Judge

This writ petition has been filed for grant of following substantive reliefs:-

> *"i. A writ of Mandamus may very kindly be issued thereby quashing Annexure P-4.*
>
> *ii. That a writ of mandamus directing the respondent No.1 to 4 to allow the petitioner to continue as Clerk at ECHS Polyclinic, Type A, Yol Cantt. Till he attains the age of superannuation or is replaced by a regular incumbent."*

2. The gist of petitioner's case and the issues involved were noticed in the following order passed on

[1] *Whether reporters of Local Papers may be allowed to see the judgment? Yes*

08.10.2026, whereby interim relief was granted to the petitioner:-

> *"Notice. Mr. Bal Ram Sharma, learned DSGI appears and waives service of notice on behalf of the respondents.*
>
> *2. Petitioner is presently serving as Clerk at ECHS Polyclinic Type A, Yol Cantt., District Kangra, H.P., where he had joined in the month of April, 2026. His grievance is to Annexure P-4, whereby, respondents have issued employment notice for filling up certain posts at ECHS Polyclinic Type A, Yol Cantt., District Kangra on contract basis for a period of one year/renewable for further period of one year. Post of Clerk held by the petitioner is also part of aforesaid employment notice. Interviews in terms of the employment notice are scheduled for 02.11.2026.*
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> *3. Learned counsel for the parties submit that similar issue, as is involved in the instant petition, is pending before the Hon'ble Apex Court in SLP(C) No. 36359 of 2016; That various similar matters have been disposed of by this Court by directing that such petitions would abide by the decision of SLP(C) No. 36359 of 2016; That in most of such matters, there is interim protection in favour of the similarly situated petitioners.*
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> *4. In view of above, respondents shall maintain status quo qua petitioner and the respondents shall not proceed ahead in filling up the post held by the petitioner under employment notice Annexure P-4, till further orders. Reply be filed within two weeks.*
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> *List on 05.11.2026."*

3. Facts pleaded by the petitioner have not been disputed. It is an admitted position that petitioner was

manning the post in question on contractual basis, when the said post was advertised by the respondents afresh to be filled up again on contractual basis. Respondents have also not disputed that the issue involved in the instant petition, is pending before the Hon'ble Apex Court in Special Leave Petition(C) No. 36359/2016 (***Sonu Kumar Vs UOI),*** wherein interim protection has been granted in favour of the petitioner therein, who was similarly situated to the present petitioner.

4. In view of above, this writ petition is disposed of with direction that petitioner's continuation on the post in question shall abide by the result of the aforesaid Special Leave Petition.

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

Jyotsna Rewal Dua
Judge

November 05, 2026
R.Atal