IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.21210 of 2025

Decided on: 2nd January, 2026

Rajeev Kumar **.....Petitioner**

Versus

State of H.P. and others **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Kamal Sharma, Advocate vice Mr. Naresh K. Sharma, Advocate.

For the Respondents: Mr. Rajat Choudhry, Assistant Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Mr. Rajat Choudhry, learned Assistant Advocate General, appears and waives service of notice on behalf of the respondents.

2. In view of the pleadings, the issue raised in this writ petition, the grievance of the petitioner and the nature of order being passed hereinafter, reply to the writ petition is not required to be called for. With the consent of learned counsel for the parties, the matter is heard at this stage.

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[1] **Whether reporters of print and electronic media may be allowed to see the order? Yes.**

3. Petitioner seeks applicability of ***Babu Ram Versus State of Himachal Pradesh and others***[2] for counting the approved military service rendered by him for the purpose of his pay fixation and seniority in civil employment.

It appears that the respondents had previously rejected the case of the petitioner on 11.08.2021 on the ground that the petitioner did not have approved military service to his credit after obtaining the minimum qualifications prescribed for the post of Junior Office Assistant (IT).

4. Learned counsel for the petitioner submits that the aforesaid issue has already been decided in *Babu Ram*[2] in favour of the petitioner. On the basis of aforesaid decision, the petitioner preferred a representation on 11.11.2025 (Annexure P-10) to respondent No.2, praying for reconsideration of his case in light of *Babu Ram*[2], however, respondent No.2 has practically disposed of petitioner's representation under office letter dated 15.12.2025 (Annexure P-11). Learned counsel for the petitioner submits that office letter dated 15.12.2025, with which the

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[2] CWP No.6443 of 2021, decided alongwith connected matters on 09.05.2022

petitioner has grievance, cannot be said to be a speaking order. The said office letter neither discusses the facts of petitioner's case nor the law laid down in *Babu Ram*[2].

Learned counsel further submits that the petitioner would be satisfied in case respondent No.2 is directed to reconsider the case of the petitioner for giving him the benefit of approved military service towards fixation of his pay in civil employment in light of *Babu Ram*[2], especially considering the fact that petitioner's appointment in civil employment on 17.11.2016 was against a post reserved for Ex-serviceman. Learned Assistant Advocate General is not averse to this prayer.

5. In view of above, notwithstanding Annexure P-11, this writ petition is disposed of with a direction to respondent No.2/competent authority to consider and decide the aforesaid representation of the petitioner dated 11.11.2025 (Annexure P-10) afresh after examining the facts of his case, in accordance with law as well as taking into consideration the above judgment in the case of ***Babu Ram***[2] within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

January 02, 2026
Mukesh