

(2025) 12 SHI CK 0007

Himachal Pradesh HC

Case No: Civil Writ Petition No 18630 Of 2025

Mukesh Kumar

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision: Dec. 1, 2025

Hon'ble Judges: Jyotsna Rewal Dua, J

Bench: Single Bench

Advocate: C.N. Singh, Dr. Nidhi Singh, Anshul Gandhi, Ramesh Kumar, Rajat Choudhry

Final Decision: Disposed Of

Judgement

Jyotsna Rewal Dua, J

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

2. With the consent of learned counsel for the parties, the matter is heard at this stage.

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

"i) Issue a writ of mandamus or other appropriate writ order or direction, directing the respondents to continue with and regularize the contractual services of the petitioner on the post of Technical Facilitator in the Department of Horticulture (i.e. Respondent no.1 to 3) after completion of Two years of contractual service i.e. w.e.f. 19.08.2023 on the post of Technical Facilitator in terms of regularization policy of the Respondent State, with all consequential benefits.

ii) Issue a writ of Mandamus or other appropriate writ order or direction quashing the disengagement/ termination of the Petitioner from the post of Technical Facilitator from the O/O Respondent no.3 forthwith and accordingly condone the break in contractual service on the post of Technical Facilitator w.e.f. 31.10.2024, till his joining back, regularization towards continuity in service for all intents and purposes and re-ix the pay of the petitioner and pay the entire consequential benefits in favour of the Petitioner with in time bound manner alongwith 12%

interest.

iii) Issue a writ of Mandamus r ther appropriate writ order or direction, by direc ing the respondents to pay the equal pay and pe ks o Petitioner from the initial date of her appointment Or after completion of Two years of contractual se vice as paid to regular employees of the government department in terms of the law laid down by the Hon'ble Apex Court in India with all c nsequential benefits."

4. Learned counsel for the petitioner submits that case of the petitioner, issue raised by petitioner and reliefs claimed erein have already been adjudicated in Nitin Thakur Versus State of H.P. and others[CWP No.4971 of 2024, decided alongwith connected matters on 23.09.2025], which was disposed of with following operative directions:-

"89. Consequently, in view of the detailed discussion made herein above as well as law taken into consideration, present petitions are allowed and respondents are directed to regularize the contractual services of the petitioners on the post they were offered engagement in the Department of Horticulture after completion of two years contractual service in terms of regularization policy framed by the Government of Himachal Pradesh."

It has been informed by learned counsel for the parties that the aforesaid judgment was assailed by the State by way of State of HP & Ors. vs. Nitin Thakur & Ors.[LPA No.775 of 2025], wherein vide order dated 12.11.2025, the direction of regularization has been stayed by the Hon'ble Principal Division Bench, however, with the rider that the State shall not dispense with the services of the petitioners (therein) and the petitioners shall continue to serve on the same terms and conditions; That since the writ petitioners have been paid on contractual basis, he State will be under bounden duty to pay all the said person and utilize their services; Further, it is open to the State to utilize the services of the writ petitioners/employees in any other similarly situated projects. Operative part of order dated 12.11.2025 reads as under:-

"9. However, keeping in view the fact that the writ petitioners have been serving the State since the year 2019, we deem it appropriate that the State shall not dispense with their services and writ petitioners shall continue to serve on the same terms and conditions. Needless to say, that since writ petitioners have been paid on contractual basis, the State will be under bounden duty to pay all the said persons and utilize their services. Further, it is open to the State to utilize the services of the writ petitioners/ employees in any other similarly situated projects."

Learned counsel further submits that petitioner would be satisfied in case the respondents/competent authority(s) are directed to consider the case of the petitioner in light of the aforesaid order dated 12.11.2025 passed in Nitin Thakur³. Learned Additional Advocate General has no objection to the aforesaid prayer.

5. Having regard to the afore-submissions, but without examining the merits of the matter, this writ petition is disposed of with directi n to the respondents/ competent authority to consider and decide the case of the petitioner in accordance with law as well as taking into consideration aforesaid order dated 12.11.2025 passed in LPA No.775 of 2025, which shall be subject to the

final outcome of the said appeal, by passing appropriate order within a period of six weeks from today. Copy of the order so passed, be also communicated to the petitioner.

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