

**IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

**ON THE 30<sup>th</sup> DAY OF SEPTEMBER, 2022**

**BEFORE**

**HON'BLE MR. JUSTICE A.A. SAYED**

**CHIEF JUSTICE**

**&**

**HON'BLE MS. JUSTICE JYOTSNA REWAL DUA**

**CIVIL WRIT PETITION NO. 6928 of 2022**

**Between:**

**SH. SURESH KUMAR SON OF SH.  
RISHI RAM, RESIDENT OF  
VILLAGE SHERLI BATAI, P.O.  
PATRIGHAT, TEHSIL  
SARKAGHAT, DISTT. MANDI, H.P.  
PRESENTLY SERVING AS A  
WATER GUARD ON PART TIME  
BASIS UNDER PATRIGHAT  
PANCHAYAT, DISTT. MANDI, H.P.  
AGE 32 YEARS.**

**...PETITIONER**

**(BY MR. BONIT THAKUR,  
ADVOCATE VICE MR. A.K GUPTA,  
ADVOCATE)**

**AND**

- 1. STATE OF H.P. THROUGH THE  
PRINCIPAL SECRETARY  
(I&PH) TO THE GOVT. OF H.P.  
WITH HEADQUARTERS AT  
SHIMLA-2, H.P.**
- 2. THE ENGINEER-IN-CHIEF,  
I&PH WITH HEADQUARTERS**

AT JAL SHAKTI BHAWAN,  
TOTIKANDI, SHIMLA, H.P.

3. THE SUPERINTENDING  
ENGINEER, I&PH CIRCLE  
SUNDERNAGAR, DISTT.  
MANDI, H.P.
4. THE EXECUTIVE ENGINEER,  
I&PH DIVISION SARKAGHAT,  
DISTRICT MANDI H.P.

...RESPONDENTS

(BY MR. RANJAN SHARMA,  
ADDITIONAL ADVOCATE GENERAL)

---

*This petition coming on for admission this day,  
Hon'ble Mr. Justice A.A. Sayed, passed the following:*

**ORDER**

The petitioner was engaged as Water Guard on part time basis in the year 2007. Learned counsel for the petitioner states that the case of the petitioner is covered by the Policy of welfare of Water Guards of the year 2019. He further states that the issue raised in the petition is squarely covered by the judgment dated 23.06.2021 of learned Single Judge of this Court in CWP No.3047 of 2020, titled as *Jagdish Kumar and others Versus State of Himachal Pradesh and others*. He has

pointed out that the said judgment was challenged in LPA, which was dismissed. The matter was carried to the Hon'ble Supreme Court, which has also dismissed the SLP. The learned counsel for the petitioner submits that the petitioner would be content if his case is considered in light of the judgments (*supra*).

2. In view of the above, without going into the merits, we dispose of the instant petition by directing respondent No.2 to consider the case of the petitioner in light of aforesaid judgments and take a decision within a period of eight weeks and in the event, the petitioner is found to be similarly placed, the benefit of the judgment and order dated 23.06.2021 of the learned Single Judge in CWP No.3047 of 2020 be also extended to the petitioner.

3. The petition to stand disposed of in the aforesaid terms, so also pending miscellaneous application(s), if any.

**(A. A. Sayed)**  
**Chief Justice**

**( Jyotsna Rewal Dua )**  
**Judge**

30<sup>th</sup> September, 2022  
(*priti*)