

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.10260 of 2024

Decided on: 30th November, 2024

Nasib Singh

.....**Petitioner**

Versus

State of H.P. and another

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Mukesh Thakur, Advocate.

For the Respondents: Mr. Anup Rattan, Advocate General
with Mr. Y.P.S. Dhaulta, Additional
Advocate General, for respondent No.1.

Mr. Prashant Sharma, Advocate, for
respondent No.2.

Jyotsna Rewal Dua, Judge

Notice. Mr. Y.P.S. Dhaulta, learned Additional
Advocate General and Mr. Prashant Sharma, learned
counsel, appear and waive service of notice on behalf of
respondents No.1 and 2, respectively.

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

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

*“(i) That a writ in the nature of mandamus may kindly be
issued to the respondents, directing them to grant
seniority to the petitioner, by counting the entire service*

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

rendered by the petitioner on contract basis, from the date of his initial contractual appointment, with all consequential benefits, and to consider the case of the petitioner for next promotion when due, prior to the incumbents who have earlier been wrongly promoted before the petitioner by revising the seniority accordingly, in terms of the judgment passed by this Hon'ble in CWP No. 2004/2017 titled as Taj Mohammad v/s State of H.P.

- (ii) That further mandamus may kindly be issued to the respondents by directing the respondents to count, the entire contract service of the petitioner, for the purpose of annual increments, re-fixation of pay, arrears on that account, pension and all other consequential service benefits, in terms of the judgment passed by this Hon'ble in CWP No.2004/2017 titled as Taj Mohammad v/s State of H.P.*
- (iii) Issue a writ of mandamus directing the respondents to release the entire consequential benefits along with interest @ 9% per annum from the date of his appointment till the date of realization."*

4. Learned counsel for the petitioner submitted that the case of the petitioner and the reliefs prayed for by him have already been considered & adjudicated upon by this Court in ***Sh. Taj Mohammad and others Versus The State of Himachal Pradesh and others***². Learned counsel for the petitioner also submits that the representation dated 20.01.2024 (Annexure P-3) preferred by the petitioner for claiming the above reliefs is pending consideration with respondent No.2. Learned counsel further submits that the petitioner would be content in case respondent No.2/competent authority is directed to decide the aforesaid representation within a fixed time schedule.

² CWP No.2004 of 2017, decided alongwith connected matter on 03.08.2023

Learned Additional Advocate General and learned counsel appearing for respondent No.2 submit that the respondents are not averse to consider the case of the petitioner in light of the aforesaid judgment, however, all rights and contentions of the parties be left open for decision.

5. Having regard to the afore-submissions, but without examining the merits of the matter, this writ petition is disposed of with a direction to respondent No.2/competent authority to consider and decide the aforesaid representation dated 20.01.2024 (Annexure P-3) of the petitioner in accordance with law as well as taking into consideration the above judgment in the case of **Taj Mohammad²** within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioner.

It is clarified that all rights and contentions of the parties are left open.

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

November 30, 2024
Mukesh

Jyotsna Rewal Dua
Judge