



IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

CWP No. 10822 of 2025
Decided on : 23.03.2026

Pawna Devi

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹

For the petitioner : Mr. Naresh Kumar Tomar,
Advocate.

For the respondents : Mr. Pushpinder Jaswal, Additional
Advocate General, for respondents
No.1 to 3.

Mr. Madan Gopal, Advocate, for
respondent No.4.

Ajay Mohan Goel, Judge (*Oral*)

By way of this writ petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

"i. That the impugned order dated 02.08.2024, passed by the Sub-Divisional Magistrate Thunag, District Mandi, HP, whereby Learned Sub-Divisional Magistrate Thunag, has declined to entertained the appeal as not

¹Whether reporters of the local papers may be allowed to see the judgment?



maintainable, may kindly be quashed and set aside.

ii. That Learned Sub-Divisional Magistrate Thunag, District Mandi, HP, may kindly be directed to decided the appeal of the petitioner on merits.

lii. Tthat alternatively keeping in' view the facts and circumstances of present case impugned order dated 02.08.2024, passed by Learned Sub-Divisional Magistrate, Thunag, District Mandi, HP, in Appeal under Chapter 28.21 of Land Record Manual, and order dated 06.02.2023, passed in case 2/TDR, by Learned Tehsildar, Tehsil Thunag, District Mandi, HP, may kindly be stayed, may kindly be quashed and set aside.”

2. The petitioner primarily is aggrieved by order dated 02.08.2024 (Annexure P-2), passed by the Appellate Authority, i.e., Sub-Divisional Magistrate, Thunag, in terms whereof, the appeal preferred by her against the cancellation of her income certificate by Tehsildar, Thunag, has been held to be not admissible, in lieu of a writ petition pending before the High Court, reference whereof is given in the said order.

3. Having heard learned counsel for the parties and having perused the order passed by the Sub-Divisional Magistrate, Thunag, this Court is of the considered view that



said order is not sustainable in the eyes of law.

4. The factual position is that respondent Dimple Kumar, assailed the appointment of the petitioner as a Part-Time Multi-Task worker, *inter alia*, by way of an Appeal on the ground that the income certificate was procured by the petitioner by furnishing a false information. Besides this, Dimple Kumar also preferred a complaint before the Tehsildar, assailing the legality of the income certificate issued in favour of the petitioner on the ground that the same was obtained by the petitioner by concealing material facts.

5. In terms of order dated 06.02.2023, Tehsildar, Thunag, accepted the complaint of Dimple Kumar and set aside the income certificate of the present petitioner. Feeling aggrieved, the petitioner preferred an appeal, which was dismissed by the Appellate Authority in terms of the impugned order.

6. As far as appeal filed by Dimple Kumar against the petitioner qua her selection against the post of part time multi-task worker is concerned, the same was allowed by the first Authority and the order passed by the first Authority was upheld



by the second Authority. Feeling aggrieved, the petitioner has assailed the same before this Court and the matter is pending adjudication by way of CWP No. 5384 of 2024, titled Pawna Devi Vs. The State of H.P. & Ors.

7. In CWP No. 5384 of 2024, this Court has been pleased to stay the operation of the orders which were passed by the Appellate Authorities relating to the engagement of the petitioner.

8. The Appellate Authority herein erred in not appreciating that the dispute raised by way of an appeal before the said Authority, was totally different from the lis pending before the High Court and there was no stay granted by the High Court against the hearing or adjudication of the said appeal by the Appellate Authority. The stay was qua the orders passed in appeal against the setting aside of the appointment of the petitioner and not against the order of Tehsildar of cancelling Income Certificate.

9. Therefore, as the rejection of the appeal on the ground that the same was “not admissible”, is not sustainable in the eyes of law, this petition is allowed to the said extent. Order



dated 02.08.2024 (Annexure P-2), passed by the Appellate Authority, i.e., Sub-Divisional Magistrate, Thunag, is quashed and set aside, with further direction to the Appellate Authority to revive and decide the appeal of the petitioner, in accordance with law, after hearing both the parties, uninfluenced by the pendency of the other writ petition before this Court. Parties through counsel are directed to appear before the Appellate Authority on **06.04.2026** and thereafter, the appeal be decided by the Appellate Authority, on or before **30.04.2026**. It is clarified that this Court has not expressed any opinion on the merits of the appeal pending before the Appellate Authority and the same shall be decided by the Authority on its own merit, uninfluenced by any observations made by this Court in this case.

10. The petition stands disposed of, in above terms. Pending miscellaneous application(s), if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

March 23, 2026
(Shivank Thakur)