

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

CMP(M) No. 335 of 2026 in

FAO (OS) No. 05 of 2026

Date of decision: 23.03.2026.

Jagdish Chand Sharma & others ...Appellants

Versus

Gejam Ram ...Respondent.

*Coram:****The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.******The Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.****Whether approved for reporting?¹*

For the applicants : Mr. Anup Rattan, Advocate General
with Ms. Priyanka Chauhan,
Deputy Advocate General.

For the respondent : Mr. Sanjeev Bhushan, Sr. Advocate
with Mr. Rajesh Kumar, Advocate.

G.S. Sandhawalia, Chief Justice (Oral):

The State is in appeal against an order passed by the learned Single Judge in COPC(T) No. 130 of 2020, dated 17.12.2025, whereby cost of rupees Five Lacs had been imposed upon the erring officer(s)/official(s) for not implementing the judgment dated 31.03.2016, passed by the erstwhile Tribunal.

2. The learned Single Judge had found that the case for regularization of the petitioner was to be from the year 2002

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Whether reporters of Local Papers may be allowed to see the judgment?



instead of 2006 with all consequential benefits, as he was in service since 1994 and as per policy after eight years his case had to be considered. Resultantly, a direction was issued to the Secretary of the Department as such to pay the cost at the first instance and thereafter he may initiate proceedings for recovery thereof from those incumbents who are liable for non-implementation of the order passed by the learned Tribunal.

3. It is pertinent to notice that the appeal which is barred by 5 days, which we propose to condone, has been filed by the first six appellants, who are retired officers and who have not given any authority or power of attorney to the office of learned Advocate General for filing the said appeal and also there is no authorization on their behalf. Therefore, we are of the considered opinion that the present appeal on their behalf filed through the office of learned Advocate General, is totally misconceived. We are rather surprised that the instant appeal has been filed without even any notice having been issued to the present incumbents by the official appellants as the amount was to be recovered from them. Therefore, in our considered opinion, if they have any cause of action, they can file an independent appeal against the order, as and when the cause of action arises to them.



4. Regarding the appellants No. 7 and 8, we propose to dismiss the appeal while noting that the learned Tribunal way back on 31.03.2016 had allowed the Original Application while quashing the order dated 27.08.2015 and directed the State to reconsider the case of the applicant for regularization on completion of eight years service with all consequential benefits. The relevant portion of which reads as under:-

“Consequently, the original application is allowed, Annexure P-2 dated 27.8.2015 is quashed and the respondents are directed to re-consider the case of the applicant for regularization on completion of 8 years service with all consequential benefits.”

5. Accordingly, the order dated 10.06.2016 (Annexure A-7) was then passed by appellant No.3, the then Director of Horticulture and thereafter he has retired. A perusal of the said order would go on to show that the officer mentioned in the order that the service of the applicant was regularized vide order dated 05.12.2006 and he cannot be given the benefit of regularization after completion of eight years from retrospective date in light of the instructions issued in this behalf from time to time. It is also pertinent to mention herein that apparently on account of said order being passed, the employee as such had filed contempt petition before the Tribunal itself which eventually came to be transferred to this Court and was



registered as COPCT No. 130 of 2020. During the pendency of the said contempt petition before this Court, the appellants-State filed CWP No. 2809 of 2020, titled as, State of H.P. & others vs. Gejam Ram almost after a period of four years against the order of the Tribunal dated 31.03.2016. Instead of apprising this Bench herein that the order had been passed without granting the benefits to the petitioner, the State got the said writ petition disposed of as having been rendered infructuous as the order had been duly complied with. The said portion of the order reads as under:-

“Learned Additional Advocate General has submitted that this petition has been rendered infructuous as the order dated 31.03.2016 passed by the Tribunal has been duly complied by passing order dated 10.06.2016 (Annexure A-6).

2. Ordered accordingly.

3. Pending miscellaneous application(s), if any, shall also stand disposed of.”

6. Since the matter was also pending before the Contempt Court, at that point of time the Court eventually proceeded ahead to pass the order dated 04.11.2023 and appellants No. 7 and 8 were summoned by specifically holding out that despite opportunity to obey the mandate of law, they have shown defiance and they were required to be proceeded



further. The relevant portion of order dated 04.11.2023 reads as under:-

“29. In light of what has been discussed above the contentions raised on behalf of respondents are rejected. I am of considered view that respondents 7 and 8 who are at the helm of affairs of the Department of Horticulture, despite opportunity to obey the mandate of law have shown defiance and hence at this juncture are required to be proceeded further.

30. List the matter on 8.12.2023, on which date both the respondents shall remain present in the court for facing further proceedings.”

7. The said order was subject matter of challenge in LPA No. 229 of 2023 filed by the State and again the said appeal was dismissed as not maintainable vide order dated 09.07.2025 and the Coordinate Bench was kind enough not to impose cost with caution to the State not to repeat similar acts in future.

8. The present appeal has now again been filed despite warning issued to the State.

9. We are of the considered opinion that once the Tribunal way back on 31.03.2016 had directed to regularize the services of the petitioner after completion of eight years of service, it was the bounden duty of the State to ensure adherence to that directions. In such circumstances, we are of



the considered view that the learned Single Judge has not faulted in any manner in imposing cost of rupees five lacs upon the appellants-State firstly and then to recover the same from the erring officials as the State continue to deny the benefit for even a decade. Therefore, we are of the considered view that once specific directions had been issued in the case of an employee on account of a specific order, the argument raised by learned Advocate General that the case would be a precedent as such, cannot be countenanced as the directions had to be complied with in view of the order already passed by the Tribunal, and having become final.

10. Accordingly, with the said clarification, we dismiss the appeal. Pending applications, if any, also stand disposed of.

(G. S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

23rd March, 2026
(kck)