2026:HHC:24854

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 9232 of 2026
Date of decision: 25.06.2026

Manjula Rana ...Petitioner.

Versus

State of Himachal Pradesh and Anr. …Respondents.

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.
Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting? [1]

For the petitioner. *Mr. Dheeraj K. Verma, Advocate.*

For the Respondents: *Mr. Anup Rattan, Advocate General with Mr. Raj Negi, Deputy Advocate General.*

Vivek Singh Thakur, Judge

Notice. Mr. Raj Negi, Deputy Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. This petition has been taken up for final adjudication, as agreed by learned counsel for the petitioner as well as learned Deputy Advocate General and is being decided by this judgment at initial stage.

3. Present petition has been filed, seeking the following substantive reliefs:-

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

"(i) That this Hon'ble Court may kindly issue a writ of Certiorari or any other appropriate writ of similar nature, thereby quashing the provision of Section 6, 7 and 8 of the Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 being unconstitutional, arbitrary and against the principle of natural justice.

(ii) That this Hon'ble Court may kindly issue a writ of Certiorari or any other appropriate writ of similar nature, thereby quashing the office order No.HFW-H(I)B(6) 143/91 (Court Case) dated 29.09.2025 Annexure P-12 whereby the representation of the petitioner was rejected.

(iii) That this Hon'ble Court may kindly issue a writ of mandamus or any other appropriate writ of similar nature, directing the respondent department to regularize the service of the petitioner as Staff Nurse from the date petitioner was initially appointed on the said post on contractual basis in the month of January 2006, along with all the consequential and financial benefits.

(iv) That the seniority list, if drawn by the respondent State under the provision of Act abid and in contraventions or against the rights of the petitioner may kindly be declared nullity."

4. Claim of the petitioner has been rejected by the respondents on the basis of enactment of Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 (Act No. 23 of 2025), vide Order dated 29.09.2025 [Annexure P-12] issued by Director Health Services, Himachal Pradesh.

5. Admittedly, the Employees' Act has been quashed and set aside by Co-ordinate Bench of this Court, vide judgment dated 25.04.2026 passed in **CWP No.3361 of 2025** titled **Devinder Kumar & others Vs. State of H.P and others connected matters**, wherein it has been observed as under:-

> "2. In all these petitions, the petitioners are mainly aggrieved by the enactment of the Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 (Act No. 23 of 2025) (in short 'Govt. Employees Act'/the Act/the impugned Act). 3. In this common judgment, we are adjudicating only the constitutionality, validity, and legality of the Govt. Employee Act. For other reliefs, the consequences shall follow accordingly, and in case any further relief(s) is/are required to be determined after adjudication of additional facts, not discussed or adjudicated or covered in this judgment, the petitioners shall be at liberty to avail appropriate remedies, including the filing of fresh petitions for redressal of grievance based on such other issues raised or not raised in these petitions.
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> …… …… …… ……
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> 202. Accordingly, in view of above discussion and considering the ratio of law laid down by the Apex Court, the impugned Act is quashed and set aside.
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> 203. In view of quashing of the impugned Act, all consequential action, omission and commission of the respondents-State and its functionaries, based on the impugned Act, are declared illegal, unconstitutional and nullify, and resultantly orders/rejection/ directions, withdrawal, denying benefits or proposing recovery of already granted reliefs, based on the impugned Act, in conflict with the mandate of the Court are also quashed and set aside and competent authority(ies) is directed to ensure extension of benefits to the employees in terms of judgments passed by the competent Courts, latest by three months from today by issuing appropriate orders, if so required, in consonance with the Constitutional mandate and verdict of the Court(s)."

6. Findings returned in **CWP No.3361 of 2025** titled **Devinder Kumar & Others v. State of HP and others**, shall be applicable *mutatis mutandis* to present matter to all intents and purposes.

7. Consequently, impugned Order dated 29.09.2025 [Annexure P-12] rejecting the claim/ prayer of the petitioner in present petition in

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view of Government Employees' Act also stands quashed and set aside with direction to the respondents to decide the same afresh by taking into consideration the provisions of the Act and the judgment relied upon by the petitioner *[supra]* by passing a speaking and reasoned order on or before **14.08.2026**, after giving an opportunity of being heard to the petitioner, if so desired.

8. Decision so taken shall be immediately supplied to the petitioner.

9. Needless to say that for redressal of any surviving grievance(s), petitioner shall be at liberty to avail appropriate remedy by raising all issues already raised in this petition, or not raised in this petition, for adjudication of the same in accordance with law.

10. Petition is disposed of in aforesaid terms, so also pending miscellaneous application(s), if any.

(Vivek Singh Thakur),
Judge.

(Ranjan Sharma),
Judge.

25th June, 2026
(susheel)