

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

**CWP No.13982 of 2024**

**Decided on: 29<sup>th</sup> November, 2024**

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Sunder Lal and others

.....**Petitioners**

**Versus**

State of H.P. and another

.....**Respondents**

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**Coram**

**Ms. Justice Jyotsna Rewal Dua**

**Whether approved for reporting?<sup>1</sup>**

For the Petitioners: Mr. Ajeet Singh Saklani, Advocate.

For the Respondents: Mr. Y.P.S. Dhaulta, Additional  
Advocate General.

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**Jyotsna Rewal Dua, Judge**

Learned counsel for the petitioners submits that this writ petition be treated to have been filed only on behalf of petitioners No.1, 3, 4, 6, 8, 12, 13, 20 to 24, 31 to 33, 36, 37 and 56. He further submits that the remaining petitioners be permitted to file separate writ petition(s) for the cause of action as raised in the present petition. Prayer is accepted.

The present petition is now treated to have been filed on behalf of petitioners No.1, 3, 4, 6, 8, 12, 13, 20 to 24, 31 to 33, 36, 37 and 56 only. The remaining petitioners

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

are permitted to file separate writ petition(s) on the same cause of action.

**2.** Notice. Mr. Y.P.S. Dhaulta, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

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

**4.** This writ petition has been filed for the grant of following substantive reliefs:-

- “a) That writ in the nature of certiorari may very kindly be issued and the respondent department may kindly be directed to count the service of petitioners rendered in contract basis for the purpose of seniority, annual increment alongwith all other consequential benefits as per the law laid down in various judgments of Hon’ble Apex Court, Principal Division Bench Single and Single Bench of this Hon’ble Court in the interest of justice.*
- b) That the respondents may kindly be directed to grant benefits of earned leaves to the petitioners during the contract service period.”*

**5.** Learned counsel for the petitioners submitted that the respective cases of the petitioners and the reliefs prayed for by them have already been considered & adjudicated upon by this Court in **Sh. Taj Mohammad and others Versus The State of Himachal Pradesh and others**<sup>2</sup>. Learned counsel for the petitioners also submits that the representations dated 06.10.2024 (Annexure P-1

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<sup>2</sup> CWP No.2004 of 2017, decided alongwith connected matter on 03.08.2023

Colly.) preferred by the petitioners for claiming the above reliefs are pending consideration with respondent No.2. Learned counsel further submits that the petitioners would be content in case respondent No.2/competent authority is directed to decide the aforesaid representations within a fixed time schedule. Learned Additional Advocate General submits that the respondents are not averse to consider the cases of petitioners No.1, 3, 4, 6, 8, 12, 13, 20 to 24, 31 to 33, 36, 37 and 56 in light of the aforesaid judgment, however, all rights and contentions of the parties be left open for decision.

**6.** 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 representations of petitioners No.1, 3, 4, 6, 8, 12, 13, 20 to 24, 31 to 33, 36, 37 and 56 (Annexure P-1 Colly.) in accordance with law as well as taking into consideration the above judgment in the case of **Taj Mohammad<sup>2</sup>** within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioners.

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 29, 2024  
*Mukesh*

Jyotsna Rewal Dua  
Judge