

# एच.पी. स्टेट सिविल सप्लाईज कारपोरेशन लिमिटेड

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HPSCSC/Admn./1-1/2024-Vol-IV 11989-12038

Dated: 17-12-2024

## OFFICE ORDER

**WHEREAS**, judgments have been passed by the Hon'ble High Court of H.P. in various CWP(s) filed against the Corporation by the Petitioners to consider and decide the representations made by the Petitioners, seeking therein benefits, in light of the judgment dated **03.08.2023** passed by the Hon'ble High Court of H.P. in **CWP No.2004 of 2017 a/w CWP No.629 of 2018 titled as 'Taj Mohammad and others Vs The State of Himachal Pradesh and others' & 'State of Himachal Pradesh and another Vs Lekh Ram and others'**.

**WHEREAS**, the operative part of the judgment passed by the Hon'ble High Court of Himachal in the above titled CWP(s) is reproduced herein as under;

**"25. Therefore, as the foundation of the order passed by the Learned Tribunal, subject matter of these writ petitions, was the judgment of this Court in Narender Singh Naik's case (supra), which judgment itself was based on the Five Judge Bench judgment of the Hon'ble Supreme Court in Direct Recruit's case (supra), and as the learned Tribunal rightly held that the services rendered by the original applicants on contract basis were liable to be counted for the purpose of seniority and consequential benefits after their regularization, as the initial appointment of the original applicants on contract basis was after following the procedure prescribed in the Recruitment and Promotion Rules, we do not find any infirmity in the said findings and further as we do not find any merit in the writ petitions, the same are dismissed by upholding the order passed by the learned Tribunal. No order as to costs. Pending miscellaneous applications, if any, stand disposed of."**

**AND WHEREAS**, the aforesaid judgment was assailed by the State Government by way of filing **SLP (C) No. 25641-42 of 2023 titled as 'The State of Himachal Pradesh and Anr. Vs. Lekh Ram & Ors.'**, before the **Hon'ble Supreme Court of India**. However, the above titled SLP was dismissed by the Hon'ble Apex Court on 04.12.2023. Thereafter, the Directorate of Food, Civil Supplies and Consumer Affairs had also filed a **Review Petition CMP (M) No.428 of 2024 titled as 'State of Himachal**



**Pradesh & Another Vs Lekh Ram and Others'** before the Hon'ble High Court of H.P. against the judgment dated 03.08.2023 passed by the Division Bench of the Hon'ble High Court of H.P. in CWP No.629 of 2018, which had also been dismissed by the Hon'ble High Court on 05.09.2024. It is worthwhile to mention here that the judgment dated 03.08.2023 passed in **CWP No.2004 of 2017 a/w CWP No.629 of 2018 titled as 'Taj Mohammad and others Vs The State of Himachal Pradesh and others' & 'State of Himachal Pradesh and another Vs Lekh Ram and others'**, has been implemented by the Directorate of Food, Civil Supplies and Consumer Affairs vide office memorandum dated 10.09.2024 and further by notification no. FDS-B(2)-5/2024-I dated 26.10.2024.

It is imperative to mention here that in the meanwhile, the Hon'ble High Court of H.P. on 05.12.2024 has also allowed the Execution Petition (T) No.79 of 2024 titled as 'Lekh Ram and others Vs State of Himachal Pradesh and another' filed by the Petitioners/decreed holders vide which they had sought execution of order of the erstwhile Hon'ble Tribunal dated 25.05.2017 passed in OA No.3337 of 2016, titled as Lekh Ram and others Vs State of H.P. and others as upheld by the Hon'ble High Court vide judgment dated 03.08.2023 in CWP No.2004 of 2017 in case titled as Taj Mohammad & others Vs State of H.P. & others and further affirmed by the Hon'ble Supreme Court of India vide order dated 04.12.2023 in SLP (C) No. 25641-42 of 2023.

*Kapoor*  
This Corporation has also been directed by the Hon'ble High Court of H.P. by numerous judgments to decide the representations of the Petitioners in the light of judgment passed by the Hon'ble High Court of H.P. dated 03.08.2023 in CWP No.2004 of 2017 a/w CWP No.629 of 2018 titled as 'Taj Mohammad and others Vs The State of Himachal Pradesh and others' & 'State of Himachal Pradesh and another Vs Lekh Ram and others' and in case, the Petitioners are found similarly situated as Petitioners in CWP No. 2004 of 2017 then to grant similar benefits as have been granted to the Petitioners in the above titled writ petition. Besides the Court Cases, several other representations of similarly situated officials have also been received in the Corporation for similar benefits. Apart from the Civil Writ Petitions & representations, some of the Petitioners have also filed Execution Petitions with respect to the judgments passed by the Hon'ble High Court of H.P. in their cases regarding deciding their representations in the light of Taj Mohammad judgment. The list of cases/CWP(s)/Execution Petition(s) pertaining to this Corporation in which the judgments have been received, vide which the Hon'ble High Court has directed the Corporation to decide the representations and the Execution Petition(s) which are pending disposal in the Hon'ble High Court of H.P. is as follows:-

Sr. No.	CWP No./EX.Pet.	Title	Date of Decision
1	2966	Ashwani Katoch Vs. State of HP and another	09.04.2024
2	2967	Sarika Vs. State of HP and another	09.04.2024
3	3142	Rakesh Kumar Vs. State of HP and another	19.04.2024
4	3143	Rahul Chandel Vs. State of HP and another	19.04.2024
5	3145	Ashok Kumar Vs. State of HP and another	19.04.2024
6	3147	Mahender Singh Vs. State of HP and another	19.04.2024
7	3164	Vipan Kumar Vs. State of HP and another	20.04.2024
8	3165	Rakesh Kumar Vs. State of HP and another	20.04.2024
9	3167	Manohar Lal Vs. State of HP and another	20.04.2024
10	3169	Chaman Lal Vs. State of HP and another	20.04.2024
11	3520	Suraj Ghezta Vs. State of HP and another	01.05.2024
12	3526	Arti Vs. State of HP and another	01.05.2024
13	3527	Rajesh Verma Vs. State of HP and another	01.05.2024
14	3528	Dharmendar Kumar Sharma Vs State and another	01.05.2024
15	3529	Amit Kumar Vs. State of HP and another	01.05.2024
16	3530	Anjana Verma Vs. State of HP and another	01.05.2024
17	3531	Sanjay Thakur Vs. State of HP and another	01.05.2024
18	3532	Pankaj Gautam Vs. State of HP and another	01.05.2024
19	3533	Jagdish Vs. State of HP and another	01.05.2024
20	3534	Deepak Kumar Vs. State of HP and another	01.05.2024
21	3535	Ajay Kumar Vs. State of HP and another	01.05.2024
22	3536	Mamta Rana Vs. State of HP and another	01.05.2024
23	3829	Jai Prakash vs. State of HP & others	07.05.2024
24	3916	Neeraj Kumar Vs. State of HP and another	09.05.2024
25	4094	Dilver Singh Vs. State of HP and another	16.05.2024
26	4106	Jageer Vs. State of HP and another	16.05.2024
27	4107	Naresh Kumar Vs. State of HP and another	16.05.2024
28	6379	Vijay Sharma Vs. State of HP and another	08.07.2024
29	6380	Ramakant Chauhan Vs. State of HP and another	08.07.2024
30	6429	Vikram Singh Vs. State of HP and another	09.07.2024
31	6585	Anjali Sharma Vs.. State of HP and another	11.07.2024
32	6586	Sandeep Kumar Vs. State of HP and another	11.07.2024
33	7349	Ram Lal Thakur Vs. State of HP and other	30.07.2024
34	7881	Suman Kumar Vs. State of HP and another	07.08.2024
35	7899	Neelam Kumar Vs. State of HP and another	07.08.2024
36	8071	Sarita Vs. State of HP and another	09.08.2024
37	8087	Suresh Kumar Vs. State of HP and another.	12.08.2024
38	8091	Jagat Singh Vs. State of HP and other	12.08.2024
39	8501	Dharnidhar Sharma Vs. State of HP and another	24.08.2024
40	8505	Hussan Singh Vs. State of HP and another	24.08.2024



41	8506	Ramesh Kumar Vs. State of HP and another	24.08.2024
42	10260	Nasib Singh Vs. State of HP and another	30.11.2024
43	-	Mukesh Kumar Vs. State of HP and another	Pending
44	1132	Rakesh Kumar Vs. State of H.P & Anr.	pending
45	1133	Rahul Chandel Vs. State of H.P & Anr.	pending
46	1137	Naresh Kumar Vs. State of H.P & Anr.	pending
47	1138	Chaman Lal Vs. State of H.P & Anr.	pending
48	1139	Dilver Singh Vs. State of H.P & Anr.	pending
49	1140	Ashwani Katoch Vs. State of H.P & Anr.	pending
50	1142	Mahender Singh Vs. State of H.P & Anr.	30.11.2024
51	1188	Ashok Kumar Vs. State of H.P & Anr.	12.12.2024
52	1189	Rajesh Verma Vs. State of H.P & Anr.	12.12.2024
53	1190	Vipan Kumar Vs. State of H.P & Anr.	12.12.2024


Before deciding the representations in compliance of the judgments, the undersigned had also sought the directions of the State Government to proceed further in the above matters vide letters dated 07.05.2024, 29.05.2024, 15.06.2024, 09.09.2024, 30.09.2024 & 10.10.2024, which were accordingly responded by the Government vide letters dated 14.05.2024, 28.06.2024, 03.10.2024 & 21.10.2024. It was directed vide Government's letter dated 21.10.2024 to follow the pattern as in the Lekh Ram & others versus State of Himachal Pradesh case for similarly placed cases and to meanwhile await the progress of the filing of SLP which is being filed in the Hon'ble Supreme Court against the judgment dated 03.08.2023 delivered by the Hon'ble High Court of H.P. in CWP No.2004 of 2017 a/w CWP No.629 of 2018 titled as 'Taj Mohammad and others Vs The State of Himachal Pradesh and others' & 'State of Himachal Pradesh and another Vs Lekh Ram and others'. It is also pertinent to mention here that the personal hearings were also afforded to the Petitioners in compliance of the judgments passed by the Hon'ble High Court of H.P. in their respective cases.

Thereafter, the judgments rendered by the Hon'ble High Court of H.P. in the cases of the Petitioners were thoroughly examined. Thus, as such, all the employees of this Corporation recruited on contract basis as per due procedure prescribed in the relevant Recruitment and Promotion Rules framed by the State Government, who have either approached the Hon'ble High Court of H.P or have made representations to this Corporation, have been considered in view of the above titled judgment.

Now, therefore, in view of the facts and circumstances mentioned herein above and after a due consideration of the representations of the Petitioners and the representations in the other similarly situated cases, **the undersigned, hereby orders to count the tenure of contractual services rendered by all the employees of various posts/cadres in this**

*Corporation, for the purpose of seniority in respect of all the employees, whether Petitioners/Non-Petitioners, who were initially appointed on Contract Basis through direct recruitment (i.e. through the Recruitment Agencies namely viz HPPSC, HPSSSB/HPRCA, Ex-Servicemen Employment Cell (DSW), Persons with Disabilities, Persons selected against the posts reserved for Sports Category & the Persons appointed on Compassionate grounds etc.) as per the procedure prescribed in R&P Rules followed by regularization in the Corporation.* However, this benefit shall be subject to the final outcome of further legal remedy, if any, exercised by the Government of H.P. The contractual appointees and other promotee employees will be interspaced as per their appointment years and tentative seniority of the entire respective cadres will be circulated to all concerned in due course of time and will be finalized after incorporating justified objections received, if any, in respect of seniority lists.

All the petitioners are informed accordingly.

  
**Managing Director**  
Dated: -

Enclst No:HPSCSC/Admn./1-1/2024-Vol-IV

Copy forwarded for information to:-

1. The Principal Secretary (F, CS & CA) to the Government of H.P. for kind information please.
2. The Financial Advisor, HPSCSC Ltd., Head Office, Shimla, with the direction to upload above orders on Corporation's website.
3. The Assistant Manager (Legal), HPSCSC Ltd., Head Office, Shimla, for information and necessary action.
4. All the Petitioners mentioned above.
5. All concerned related files of Cases mentioned in the Order.
6. Guard File.

  
**Managing Director**