

(2025) 06 SHI CK 0723

In the High Court Of Himachal Pradesh

Case No : CWP Nos.6050, 6346 &10750 Of 2023 and 15187 Of 2024

Raj Kumar and Ors

APPELLANT

Vs

State Of Himachal Pradesh And Ors

RESPONDENT

Date of Decision : 25-06-2025

Acts Referred:

Bhartiya Nagarik Suraksha, 2023 — Section 215, 528
Code of Criminal Procedure, 1973 — Section 146, 195, 195(1)(b)(i), 397(1), 397, 397(2), 397(3), 401, 482, 483
Indian Penal Code, 1860 — Section 120B, 192, 193, 194, 195, 196, 197, 199, 200, 205, 211, 323, 406, 420, 452, 468, 469, 470, 471
Specific Relief Act, 1963 — Section 6
Protection of Human Rights Act, 1993 — Section 13(5)

Citation : (2025) 06 SHI CK 0723

Hon'ble Judges : Rakesh Kainthla, J

Bench : Single Bench

Advocate : Ashish Sharma, Jitender Sharma

Final Decision : Dismissed

Judgement

Sandeep Sharma, J

1. Since common questions of facts and law are involved in these cases, this Court heard them together and now same are being decided vide common judgment.

2. By way of instant petitions, petitioners have prayed for following common relief:

i) That writ of mandamus may kindly be issued, directing the respondent department to issue appointment letter to the petitioners against the post of Veterinary Pharmacist on contract basis within a time bound manner in view of the counseling conducted qua the petitioners from batch-wise seniority on 21.10.2022, but appointment letter has not been issued till date without any justification whereas the respondent department is going to issue appointment

letter to 188 candidates from direct recruitment, which will hit the seniority of the petitioners in case they are not given appointment prior to the direct recruitment.”

3. Precisely, the grouse of the petitioners, as has been highlighted in the petitions and further canvassed by Mr. R.L. Chaudhary, learned counsel for the petitioners is that services of 286 number of Gram Panchayat Veterinary Assistants (herein after referred to as the GPVAs) have been converted on contract basis, but for no cogent and convincing reasons, petitioners have been discriminated. Petitioners claimed that their counseling was done in the year 2022 alongwith 286 GPVAs, but at that time, they were not brought on contract by government. Since 286 GPVAs, who were allegedly brought on government contract are now being regularized in terms of the regularization policy framed by the Government of Himachal Pradesh, whereas petitioners herein who have been performing the duties against the post of GPVAs as was being performed by 286 GPVAs coupled with the fact that all were initially engaged by Gram Panchayat concerned on same terms and conditions, have approached this Court in the instant proceedings, seeking therein directions to the respondents to bring them on contract w.e.f. 2022, when their counseling was done alongwith 286 GPVAs.

4. Afore claim put forth at the behest of the petitioners has been refuted by the respondents by way of filing reply, wherein though it has been admitted that in the year 2022, counseling of the petitioners was conducted along with 286 GPVAs, but it has been further stated that since at the relevant time, 286 number of Mukhya Mantri Arogya Pashudhan Yojna (MMAPY) dispensaries were upgraded to regular dispensary and there was only requirement of one person in each dispensary, only 286 posts of GPVAs were converted to Veterinary Pharmacists on contract basis subject to condition that these posts will be subsumed against future vacancies

5. It is averred in the reply that in the year 2022, though no vacancies of Veterinary Pharmacists were available, but yet respondent-State with a view to protect the interest of GPVAs, who were initially appointed on contract by Gram Panchayat concerned, their services were decided to be converted to Veterinary Pharmacists on contract basis.

6. Having taken note of the fact that petitioners are similarly situated to 286 number of GPVAs, whose services came to be converted to Veterinary Pharmacists on contract basis in the year 2022, this court passed detailed order on 3.4.2024, which reads as under:

“Learned counsel for the petitioners has pointed out from the contents of reply filed on behalf of respondents No. 1 and 3 that the Government has already taken a decision in respect of the petitioners, who are 66 in number for upgrading their posts from GPVAs to Veterinary Pharmacists simultaneously with upgradation of MMAPY into regular dispensary. He further submits that the

Government has already granted the benefits to 286 similarly situated persons vide Annexure P-2.

It is prima-facie made out that the petitioners may have their claim vis-à-vis the appointment of 286 persons as Veterinary Pharmacists on contract basis vide Annexure P-2 but their claim against the direct recruits does not prima facie appear to have merit. That being so, the interim order dated 19.10.2023 is ordered to be vacated, subject to the rights of the petitioners in the instant petitions.

In view of above position, respondents No. 1 and 3 to explain as to why the petitioners are being denied the appointment as Veterinary Pharmacists on contract basis, as has been done in respect of 286 other persons vide Annexure P-2."

Response by way of affidavit of respondent No.2 be filed within two weeks."

7. In terms of aforesaid affidavit, respondent-State filed compliance affidavit dated 8.5.2024, which reads as under:

"6. That as already stated in para-3 supra, 286 Gram Panchayat Veterinary Pharmacist were brought to the post of Veterinary Pharmacist on contract basis, after having the approval of the Council of Ministers. Therefore, in case of present petitioners regarding bringing 66 post of Gram Panchayat Veterinary Assistant to the post of Veterinary Pharmacist on contract basis, the approval of the Council of Ministers is required, which is also a codal formality.

7. That since, at present the Model Code of Conduct is in force, the meetings of the Council of Ministers are not being convened. Therefore, the matter regarding bringing the present petitioners to the post of Veterinary Pharmacist on contract basis will be placed for decision/approval before the Council of Ministers after the Model of Conduct is over. The affidavit may kindly be taken on record in the interest of justice."

8. Subsequently, on 17.6.2024, learned Additional Advocate General, placed on record instructions dated 13.6.2024, stating therein that for converting the posts of Gram Panchayat Veterinary Assistant to the post of Veterinary Pharmacist on contract basis, approval of the Council of Ministers is required. It also emerged from the aforesaid communication that meeting of Council of the Ministers was to take place on 18.6.2024, wherein issue pertaining to converting the post of Gram Panchayat Veterinary Assistant to the Post of Veterinary Pharmacist was to be placed for approval before the Council of Ministers.

9. On 25.6.2024, this Court came to be apprised that matter was placed before the Council of Ministers on 18.6.2024 and after detailed deliberations, the Council of Ministers have made some observations and sought additional information in the matter.

10. Since despite repeated opportunities, no decision was being taken qua the

conversion of emaining GPVAs to Veterinary Pharmacists, this Court passed detailed order dated 2.5.2025, which reads as under:

"Repeatedly this Court has been informed that issue qua bringing 66 GPVAs on contract basis is pending consideration before the Council of Ministers, but till date, no final decision has been taken, as a result thereof, great prejudice is being caused to the petitioners, who are admittedly similarly situate to 286 GPVAs, whose services have been already converted into contractual establishment and in short span, they may be regularized also. Affidavit dated 08.05.2024, filed by Joint Secretary, Animal Husbandry, Government of Himachal Pradesh, though suggests that issue in question is still pending consideration before the Council of Ministers, but this Court cannot lose sight of the fact that on account of non-consideration of proposal by Council of Ministers, petitioners are suffering continuously for no fault of them.

Though taking note of the fact that services of similar situate 286 GPVAs stand converted into contractual establishment, this Court may have straightaway proceeded to pass order, but having taken note of the fact that matter is under consideration before the Council of Ministers, this Court, while restraining itself from passing any order at this stage, hopes and trusts that final decision by the competent authority shall be taken expeditiously, preferably, within a period of four weeks."

11. Pursuant to afore order, Mr. Rajan Kahol, learned Additional Advocate General, placed on record communication dated 20.06.2025, issued under the signatures of Director, Animal Husbandry, Himachal Pradesh, whereby Government decided to give appointment to 66 Gram Panchayat Veterinary Assistants as Trainee Veterinary Pharmacists on contract basis. Learned counsel representing the petitioners, under instructions, stated that since similarly situate 286 persons were given appointment on contract basis on 27.09.2022 and at that time petitioners had participated in the counseling, where was the occasion to call upon them to come for fresh counseling, scheduled to be held on 26.06.2025. After being confronted with the afore plea raised by the petitioner, learned Additional Advocate General sought time to have instructions in the matter.

12. Today, during proceedings of the case, learned Advocate General, made available communication dated 28.5.2022, issued under the signature of Joint Secretary (Animal Husbandry) to the Government of Himachal Pradesh, to state that in the year 2022, services of 66 GPVAs could not be converted to Veterinary Pharmacists for the reason that at the relevant time, only 286 number of MMAPPY Dispensaries were upgraded into regular Dispensaries with the requirement of one GPVA. Learned Advocate General further submitted that though at the relevant time, no vacancies were available but to avoid exploitation of GPVAs, government decided to convert their services to contract subject to condition that such posts will be subsumed against future vacancies. He submitted that now Government is in process of appointing 286 GPVAs against vacancies which had

occurred after 2022. He further submitted that though at present, there are no posts of Veterinary Pharmacist qua which services of the petitioners can be converted on contract basis, but having taken note of the fact that petitioners herein have been working as GPVAs for more than 13 years, government has now decided to give them appointment as Trainee Veterinary Pharmacists on contract basis as was done in the cases of 286 GPVAs in the year 2022. He submitted that once petitioners complete requisite period on contract, they shall also be considered for regularization as has been done in the cases of other similarly situated persons.

13. Though Mr. R.L.Chaudhary, learned counsel for the petitioners attempted to argue that since petitioners had appeared in the counseling in 2022, there is no requirement for the petitioners to again participate in the counseling scheduled to be held on 26.6.2025, but this Court is not persuaded to agree with Mr. Chaudhary for the reason that though in 2022, petitioners had participated in the counseling for 286 posts of GPVAs, which were converted to Veterinary Pharmacists on contract basis, but since at the relevant time, 286 number of MMAPPY dispensaries were upgraded into regular dispensaries with the requirement of one GPVA in each dispensary and admittedly, petitioners were not in the first list of 286 GPVAs, no illegality can be otherwise said to have been committed by the respondents while asking the petitioners to come present for counseling scheduled to be held on 26.6.2025, for offering appointment as Trainee Veterinary Pharmacists on contract basis.

14. Consequently, in view of the above, this Court having taken note of instructions dated 20.6.2025 issued under the signature by Director, Animal Husbandry, Himachal Pradesh, whereby government itself decided to give appointment to 66 GPVPs as Trainee Veterinary Pharmacists on contract basis, sees no reason to keep the present petition alive and accordingly, same is disposed of with a direction to the Director (Animal Husbandry) Himachal Pradesh to permit the petitioners to participate in counseling scheduled to be held on 26.6.2025 and thereafter, they may be issued offer of appointment as Trainee Veterinary Pharmacist on contract basis as was done in the case of 286 number of GPVAs in the year 2022. Since petitioners have been fighting for their rightful claim for years together, this Court hopes and trusts that needful, complete in all respects, shall be done within four weeks and thereafter, petitioners shall also be considered for regularization in against the post in question after having completed requisite period as prescribed in the policy of regularization framed by the Government from time to time. In the aforesaid terms, present petitions are disposed of alongwith pending applications, if any.