
(2026) 02 SHI CK 1698
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 2760 Of 2015

Shamsher

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

Date of Decision : 24-02-2026

Acts Referred:

Constitution Of India, 1950 — Article 39(a)

Citation : (2026) 02 SHI CK 1698

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : T.S. Chauhan, Surya Chauhan, Rajat Chauhan

Final Decision : Dismissed

Judgement

Ajay Mohan Goel, J

CMP No.2533 of 2026

1. Having heard learned Senior Counsel for the petitioner, the application is allowed. Application stands disposed of.

CWP No.2760 of 2015

2. With the consent of learned counsel for the parties, the case has been taken up for consideration on merit today itself.

3. By way of this writ petition, the petitioner has prayed for the following relief:-

"It is therefore, humbly and respectfully prayed that it is duty of the State to provide adequate means of live hood to petitioner under article 39 (a) of the constitution of India which is fundamental right as pronounced by Hon'ble Supreme Court and Job in the Government School as per Annexure P-6 as he lost his job in the privately managed school due to up- gradation of Govt. High School Dangar District Bilaspur."

4. The case of the petitioner is that he was serving as a Peon in a privately

managed Senior Secondary School, i.e., Acharya Vinoba Bhave Senior Secondary School Dangar Tehsil Ghumarwin District Bilaspur, H.P. He served as such from 05.01.1996 to 16.11.1999. According to the petitioner, he served the School without any pay upto 10.12.1996 and thereafter, on a meager amount of Rs.400/- from December, 1996, which was raised to Rs.600/- per month thereafter. It is further the contention of petitioner that when the said School was taken over by the Education Department, his services were dispensed with. According to the petitioner, he made so many requests to the Education Authorities from 1998 to 2014, both verbal as well as in writing, but, except assurances, nothing came his way and it is in these circumstances that he has filed this writ petition praying for the relief already mentioned hereinabove.

5. Though, reply to the petition has not been filed, however, this Court is of the considered view that the present petition is liable to be dismissed on the ground of delay and laches.

6. In terms of the averments made in the writ petition, the services of the petitioner were dispensed with in the year 1999 when the School where he was serving, was taken over by the Education Department. That being the case, obviously, the cause of action accrued upon the petitioner in the year 1999, but, he slept over his right and has approached the Court only in the year 2014. Though, it is averred in the writ petition that from the year 1999 up to 2014, he made several requests to the Authorities, both verbal and in writing, yet, nothing is appended with the petition except one Annexure i.e., Annexure P-8, which is also dated 09.01.2015. This all demonstrates that not only the petitioner has approached the Court belatedly, but the filing of the petition also seems to be an afterthought. Further, even, as per the petitioner, he was serving as a Peon in a Private School, which lost its entity as a Private School somewhere in the year 1999 and, obviously, the respondents impleaded in the petition i.e., State of Himachal Pradesh and Director of Education, Himachal Pradesh, are not responsible for the acts of omission and commission of the previous employers of the petitioner, who are not even party respondents in the present petition.

7. In light of these observations, as this Court does not find any merit in the present petition, the same is dismissed. Pending miscellaneous applications, if any, also stand disposed of.