



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Civil Writ Petition No.1575 of 2021
Date of Decision: 17.11.2025

Veena Devi**Petitioner**
Versus
State of Himachal Pradesh and Another**Respondents**

Coram
Hon’ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? Yes.

For the Petitioner: Mr. Arun Raj, Advocate.
For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar,
Additional Advocates General, with Mr. Anish
Banshtu, Deputy Advocate General, for State.

Sandeep Sharma, J. (Oral)

Being aggrieved and dissatisfied with the issuance of communication dated 15.10.2020 (Annexure P-8), whereby prayer made on behalf of the petitioner, who has been working as Peon in the establishment of Deputy Commissioner, Kangra at Dharamshala, for absorption, in light of communication dated 06.03.2017 (Annexure P-2) has been rejected, petitioner has approached this Court in the instant proceedings, praying therein for following main reliefs:

“i) Issue a writ, order or direction in the nature of Certiorari or any other writ for quashing and setting aside impugned communication letter dated 15.10.2020 (Annexure P-8)

ii) Issue a writ of mandamus directing the respondent no.1 to implement their own policy/directions vide letter dated 6th March 2017 & 26th April 2017 (Annexure P-2) qua the petitioner without any discrimination.

iii) Issue a writ of mandamus directing the respondents to absorb/regularize the services of the petitioner on the vacant post of Peon as per their own policy/direction vide letter dated 6th March 2017 & 26th April 2017 (Annexure P-2)*

2. Petitioner herein was appointed as Peon/Sweeper in e-Governance Society in the establishment of Deputy Commissioner, Kangra at Dharamshala, in the year 2002 and since then, she has been discharging her duties uninterruptedly to the satisfaction of the authorities. Vide communication dated 06.03.2017, Government of Himachal Pradesh decided to absorb e-Governance employees in the Deputy Commissioner offices, subject to certain terms & conditions.

3. Though at the time of issuance of aforesaid communication, petitioner was very much working in the establishment of Deputy Commissioner, Kangra at Dharamshala, but at relevant time, petitioner could not be absorbed since she did not possess requisite qualification. Now, since petitioner has acquired minimum qualification, as is provided under Recruitment & Promotion Rules, for the post of Peon/Sweeper, she again approached authorities for absorption, in light of communication dated 06.03.2017, but vide

communication dated 15.10.2020, Deputy Secretary (Revenue) to the Government of Himachal Pradesh, rejected the case of the petitioner on the ground that neither the Recruitment & Promotion Rules of any existing post of Revenue Department nor any other Rule/Policy of the Government provides such provision by which a person can directly be recruited/merged/absorbed against the sanctioned strength of the Revenue Department. In the afore background, petitioner has approached this Court in the instant proceedings praying therein for reliefs, as have been reproduced hereinabove.

4. In nutshell, grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Arun Raj, learned counsel representing the petitioner is that though number of similarly situate persons have been absorbed in terms of communication dated 06.03.2017 (Annexure P-2), but for no cogent and convincing reasons, case of the petitioner is not being considered for absorption. While referring to communication dated 26.08.2020 (Annexure P-7), issued under the signatures of Deputy Commissioner, Kangra at Dharamshala, Mr. Arun Raj, learned counsel representing the petitioner, submitted that Deputy Commissioner categorically apprised Principal Secretary-cum-FC (Revenue) to the Government of Himachal Pradesh that petitioner has been serving under e-Governance Society since 2002 and during this period, nothing

adverse has come to the notice of office and as such, sanction may be granted to absorb her against the vacant post of the Peon in the establishment, but yet for totally uncalled-for reasons, prayer made on behalf of the petitioner for absorption has been rejected vide impugned order dated 15.10.2020 (Annexure P-8).

5. To the contrary, Mr. Vishal Panwar, learned Additional Advocate General, while justifying the impugned action of the respondents, vehemently argued that since case of the petitioner for absorption already stands rejected in the year 2017 on account of her not having possessed requisite qualification, she is estopped from claiming same relief. He further submitted that once petitioner was not recruited against the post in question, in terms of provisions contained in the R&P Rules, otherwise framed by the Department concerned, for the post of Peon/Sweeper, she cannot be ordered to be absorbed, because absorption can only be of such person, who was in regular service of the Department, however, Mr. Panwar, learned Additional Advocate General, was unable to dispute that policy decision taken vide communication dated 06.03.2017, has been not withdrawn or superceded, rather he admitted factum with regard to issuance of communication dated 26.08.2020, issued by Deputy Commissioner, thereby recommending the case of the petitioner for absorption.

6. True it is that in the year 2017, case of the petitioner for absorption in terms of communication dated 06.03.2017 (Annexure P-2) could not be considered for want of requisite qualification, but once it is not in dispute that communication dated 06.03.2017 has not been withdrawn till date and pursuant to afore communication, number of similarly situate persons have been absorbed, there appears to be no justification to deny the prayer made on behalf of the petitioner for absorption against the post in question in terms of communication dated 06.03.2017, especially when she has acquired the requisite qualification for the post in question.

7. It is apparent from the communication dated 26.08.2020 issued by Deputy Commissioner, Kangra at Dharamshala, that petitioner herein has qualified the matriculation examination through SOS in March, 2020, as has been informed by the Sub-Divisional Officer (C), Dharamshala, vide letter dated 14.08.2020 to Deputy Commissioner, who otherwise having taken note of continuous service rendered by the petitioner in the e-Governance Society since 2002, though recommended the case of the petitioner for absorption, but the same has been rejected for totally unjustifiable reasons. Once respondents in terms of communication dated 06.03.2017 have absorbed number of persons, who were engaged by e-Governance Society in various offices of Deputy Commissioner, ground otherwise

sought to be raised by the respondents to reject the case of the petitioner for absorption is wholly untenable.

8. Once similarly situate persons have been absorbed in terms of communication dated 06.03.2017, respondents are not justified in contending that since the appointment of the petitioner is not in terms of Recruitment & Promotion Rules, she cannot be absorbed, rather this Court is of the view that similar treatment, as has been given to number of persons, in terms of communication dated 06.03.2017 is also required to be given to the petitioner.

9. Consequently, in view of the above, this Court finds merit in the present petition and accordingly the same is allowed. Respondents are directed to reconsider the case of the petitioner in light of communication dated 06.03.2017 (Annexure P-2), without being influenced by the fact that in past, her case for absorption was rejected on the ground of requisite qualification. Since petitioner now possesses requisite qualification, as has been further certified by Deputy Commissioner, Kangra at Dharamshala, respondent No.1 is directed to give benefit of absorption to the petitioner, as has been done in number of cases, in terms of communication dated 06.03.2017. Since petitioner has been fighting for her rightful claim for years together, this Court hopes and trusts that needful in terms of

instant order shall be done expeditiously, preferably, within a period of four weeks.

In the aforesaid terms, present petition is disposed of along with pending application(s), if any.

November 17, 2025

Rajeev Raturi

**(Sandeep Sharma),
Judge**

High Court of H.P.