

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.3820 of 2019
Decided on: 07.07.2026

Lubhaya Ram

...Petitioner

Versus

H.R.T.C. and others

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioner: Mr. Karan Singh Parmar, Advocate.

For the respondents: Mr. Raman Jamalta, Advocate.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present petition has prayed for the following substantive reliefs:-

- “i) That a writ of certiorari may kindly be issued and the impugned order treating the entire period from the date of removal till reinstatement as dies non may be quashed and set aside and a writ of mandamus may kindly be issued to the respondents to regularize the aforesaid period in accordance with law.*
- ii) That the respondents may kindly be directed to release all the increments to the petitioner and thereafter a writ of mandamus may kindly be issued and the respondents may be directed to re-fix the pay of the petitioner in accordance with law. The arrears after re-fixation of the pay of the petitioner may be released in his favour alongwith interest within some stipulated period.”*

¹ Whether reporters of Local Papers may be allowed to see the judgment?

2. The facts as emerge from the pleadings are that the petitioner was appointed as Conductor with the respondents-Corporation in the month of April, 1982. He was charge-sheeted vide memorandum dated 01.02.1991, alleging therein that on 04.01.1991, he refused to go on duty. After conclusion of the inquiry proceedings, the competent authority vide order dated 11.11.1992 (Annexure P-1) imposed penalty of removal of the petitioner from service. The petitioner feeling aggrieved by the said order dated 11.11.1992 (Annexure P-1) preferred a writ petition i.e. CWP No.572 of 1993, titled, **Lubhaya Ram vs. H.R.T.C. and others**, which was dismissed as not maintainable vide order dated 30.12.1994. Thereafter, he preferred an Original Application No.443 of 1995, titled, **Lubhaya Ram vs. H.R.T.C.**, which was disposed of on 28.03.1995, directing the respondents-Corporation to treat the Original Application as representation and decide the same on merits in accordance with law.

3. In sequel to the directions, the Respondents-Corporation vide communication dated 14.06.1995 (Annexure P-3) rejected the representation, so made by the petitioner. The petitioner feeling aggrieved by the order

dated 14.06.1995, had preferred the petition i.e. CWP(T) No.2658 of 2008, titled, **Shri Lubhaya Ram Versus H.R.T.C. and Others**, which was allowed on 04.03.2009; and order dated 14.06.1995 was quashed and set aside and the Managing Director of the respondents-Corporation was directed to pass a speaking order after re-hearing the appeal. The petitioner has not challenged the order, which has subsequently been passed after the decision in the writ petition, but challenged the order dated 18.08.2007, passed by the respondents-Corporation in respect of one Sh. Magni Ram, Conductor stating that the respondents-Corporation has reinstated him in service, however, he has not been held entitled for any wages from the date of removal till the date of joining.

4. The respondents-Corporation filed reply to the petition and has also not placed on record the order, which has been passed by the respondents-Corporation.

5. I have heard the learned counsel for the parties and also perused the record carefully.

6. The petitioner has not placed on record the order after the direction given by this Court on 04.03.2009 and once the said order has not been challenged, no relief can

be granted to him in the present proceedings, for the reason that it is not known that what order has been passed by the respondents-Corporation after the direction given by this Court. It seems that the petitioner was not indeed aggrieved by the order passed by the respondents-Corporation after the direction given by this Court and since the petition has been instituted in the year 2011 and till date the said order has not been placed on record, no relief can be granted to the petitioner.

7. Resultantly, I do not find any merit in the present petition and the same is dismissed. However, there shall be no order as to costs. Pending applications, if any, also stand disposed of.

07th July, 2026

(Anurag)

**(Jiya Lal Bhardwaj)
Judge**