**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

**CWP No. 2282/2014
Decided on: 31.10.2026**

Mukesh Kumar & Ors. .....Petitioners

Versus

Registrar of Socities-cum-Deputy Commissioner Mandi & Ors.
....Respondents.

.....

Coram
Ms. Justice Jyotsna Rewal Dua, Judge.
Whether approved for reporting?[1]

For the petitioner:	**Mr. Surinder Saklani, Advocate.**
For the respondents:	**Mr. Menka Raj Chauhan, Deputy Advocate General, for respondent No.1.** **Mr. Rajesh Kumar, Advocate, for respondent No.2.** **Mr. H.S. Rangra, Advocate, for respondent No.3.**

Jyotsna Rewal Dua, J

This writ petition, instituted on 13.01.2014, in essence, seeks directions to respondent No. 2 to pay arrears of due and admissible salary to the petitioners for the months of January, February, March, April, June, July and August 2013. The substantive relief prayed for by the petitioners reads as under: -

> *"That the instant petition may kindly be allowed with costs and a writ in the nature of mandamus may kindly be issued, directing the respondent no. 2 to pay the arrears of due and admissible salary to the petitioners for the months of January, February, March, April, June, July, and August, 2013, along with interest @ 15% on the*

[1] *Whether reporters of the local papers may be allowed to see the judgment? yes*

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same, and keep on paying the same in future, to the petitioners working with it, with all attendant consequences."

2. In support of above claim, learned counsel for the petitioners has drawn attention to following para-5 of CMP No. 7230/2014, moved by an applicant who was later impleaded as respondent No. 5: -

"5. That it is necessary to mentioned here that before the charge was taken over by the respondent No.3. (Sh. Anil Bhardwaj), the proposed respondent No. 4 Mr. Madan Gopal, who was the President of Bhuvneshwari Education Society, was managing the affairs of the Society, who had misused the funds of the Society and as per claim of the petitioners in the present petition, if there is any arrears of pay, that is only of the period during which the proposed respondent collected the fees from the students, but not disbursed the salary of the petitioners. Therefore, he is a necessary party in the present lis and his reply is necessary for the proper adjudication of the case."

Attention was also invited to para-2 of the reply filed by respondent No.3 to the writ petition: -

"2. That the contents of paras No. 2 of the petition are denied for want of knowledge. It is further submitted that replying respondent No. 3 was appointed by the respondent No. 1 as administrator of the Bhuvneshwari Education Society vide order No. MND-Dev. DA-II/2011-22592-94 Dated 9th May 2013, as per the direction of Hon'ble High Court to look after the management of the said society and to conduct election of New Managing Committee of the Society and further to handover the affairs of the society to new formed Committee with in the period of three Month. As a matter of fact when the replying respondent had over the management of the society no fund was left by the respondent No. 2 in its account as

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such the replying respondent has been unnecessary dragged in the present litigation."

Learned counsel for the respondents submits that there is no document on record of the case that substantiates petitioners' claim.

3. Respondent No. 3, in its reply filed to the writ petition on 03.07.2014 (pages 27 to 29 of the paper book), states that there is no record available in the society regarding appointment of the petitioners as teachers or in any other capacity in the society. The salaries claimed cannot be disbursed without there being any record.

Respondent No. 1, in its reply (pages 30-36 of the paper book), has reiterated that respondent No. 2 has intimated that it is not possible for the present management to release the salary to the petitioners in the absence of proper records of their service and attendance.

Respondent No. 2, in its reply (pages 37 to 73 of the paper book), also pleads there being no record in the institution showing petitioners appointment as teachers in the institution. The petitioners have not appended any record in the petition reflecting their appointment in the society as teachers; Therefore, there is no occasion to pay them salary for the period mentioned in the writ petition.

4. In view of the disputed questions of facts, wherein the respondents have denied that the petitioners were appointed in

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respondent No. 2-Society, the relief claimed by the petitioners in the present petition, without there being any supporting documents in support of their claim, cannot be granted. The writ petition stands disposed of, reserving liberty to the petitioners to seek appropriate remedy in accordance with law for the redressal of their grievances. In case the petitioners avail appropriate remedy, the period spent in pursuing this petition shall not be computed for the purpose of limitation. Pending miscellaneous applications, if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

31st October, 2026(rohit)

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