



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPIL No.70 of 2025 and CWP
No.12461 of 2025
Date of Decision:- 16.09.2026

CWPIL No.70 of 2025

Dabe Ram
Versus
State of Himachal Pradesh
and Others.
....Petitioner
....Respondents

CWP No.12461 of 2025

Mukesh Bhardwaj
Versus
State of Himachal Pradesh
and Others.
....Petitioner
....Respondents

Coram
The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the Petitioner : Mr. Neeraj Sharma, Senior Advocate with Mr. Hemant Kumar Thakur, Mr. Vikrant Mehta, Mr. Happy Thakur and Mr. Vidush Chauhan, Advocates, in CWPIL No.70 of 2025.
: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar, Advocate, in CWP No.12461 of 2025.

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

For the Respondents : Mr. Pranay Pratap Singh and Mr. Gobind Korla, Additional Advocate Generals, for respondent No.1-State, in both the petitions.

: Mr. Vinay Kuthiala, Senior Advocate with Ms. Shilpa Sood and Mr. Gunjan Sharma, Advocates, for respondent No.2-HPTDC, in both the petitions.

G.S. Sandhawalia, Chief Justice (Oral).

Out of these two petitions, one is a Public Interest Litigation (PIL). In the said Public Interest Litigation (PIL), challenge is to the notifications/orders dated 14.07.2025 **(Annexure P-5)** and 24.07.2025 **(Annexure P-7)**, whereby a decision was taken to shift the Corporate Office of Himachal Pradesh Tourism Development Corporation (HPTDC) from Ritz Annexe, Shimla to Hotel Kashmir House, Dharamshala, District Kangra, Himachal Pradesh. The petitioner seeks the necessary relief to allow the Corporate Office to continue operating and functioning from Shimla, specifically at the new Corporate Office under construction at the Car Parking near Hotel Holiday Home (HHH), Shimla, pursuant to the Board Resolution dated 05.11.2023.

2. The averments made in the Public Interest Litigation (PIL) state that the petitioner is a retired employee of Respondent

No.2-Corporation, having retired in the year 2022. He was also the former President of the Himachal Pradesh Tourism Employees Registered Union and has long been associated with issues concerning the rights, welfare, and working conditions of the employees of the Himachal Pradesh Tourism Development Corporation (HPTDC). On the basis of the claim that these employees are vulnerable, the petitioner asserts the necessary *locus standi* to file this petition.

3. In the reply filed, the stand of respondent No.2-Corporation is that the petition appears to have been filed on behalf of, and at the behest of, vested interests for extraneous reasons and with an oblique motive. Furthermore, it is asserted that the decision is a policy matter of the Government of Himachal Pradesh that does not, in any manner, affect the rights of the petitioner; therefore, he is precluded from challenging the same. Additionally, the maintainability of the petition by the petitioner is questioned on the grounds that his jural relationship with respondent No.2-Corporation came to an end upon his superannuation in the year 2022. Regarding the alternate site where the Corporate Office is to be built at Shimla, it has been clarified that the initial proposal did not materialize because the Municipal Corporation, Shimla, did not approve the office building

drawings due to various objections. Instead, the Department of Town & Country Planning has approved only a three-storeyed parking structure (consisting of a sub-basement, ground floor, and first floor) at that site. It has further been mentioned that District Kangra/Dharamshala was declared as the "Tourism Capital" by the Himachal Pradesh Government in its meeting held on 30.04.2025. Resultantly, the Board of Directors (BOD) decided to take up the matter with the State Government to obtain its approval to shift the Head Office of the HPTDC from Shimla to its own accommodation in the best-suited premises in Dharamshala, while retaining the Zonal Office of the HPTDC at Shimla.

4. In the connected matter, i.e. **CWP No.12461 of 2025**, titled as **Mukesh Bhardwaj Vs. State of Himachal Pradesh and another**, similar pleadings have been filed wherein the petitioner retired as a Superintendent Grade-I from respondent No.2-Corporation after completing 38 years of service. Resultantly, the notification dated 28.07.2025 (**Annexure P-3**) is the subject matter of challenge, whereby the Corporate Office building was to be temporarily housed in Hotel Kashmir House, Dharamshala, District Kangra, until permanent arrangements could be made in the future.

5. In the reply filed by respondent No.1-State and respondent No.2-HPTDC, the objections raised are regarding *locus standi* and the fact that the Himachal Pradesh High Court (Public Interest Litigation) Rules, 2021 were not adhered to. It has been specifically mentioned that the shifting of the staff from Shimla to the HPTDC Corporate Office at Kashmir House, Dharamshala, was only for a period of one month. Furthermore, it was noted that breakfast and dinner were provided as staff meals, and accommodation was allowed for the shifted employees in consideration of the off-season period at that point in time.

6. Learned Senior Counsel for the petitioner submits that the staff was not given reasonable time to shift, and that the relocation was driven by political masters.

7. On the other hand, counsel for the respondents pointed out that this Court has already decided the issue of relocation of office, which is primarily a policy decision. They placed reliance upon CWPIL **No.52 of 2025**, titled as **Dewa Nand Vs. State of Himachal Pradesh and Others**, whereby the Office of the Principal Chief Conservator of Forests (Wildlife), Himachal Pradesh, was shifted from Shimla to the CPD KFW

Project Office building in Dharamshala, District Kangra, and the petition was dismissed on 20.04.2026.

8. We had also relied upon a similar judgment of the Coordinate Bench of this Court passed in ***Nand Lal & Another Vs. State of Himachal Pradesh and Others, 2014 (2) Him. L.R. (DB) 982***. In that case, the Court had dismissed a Public Interest Litigation (PIL) regarding the shifting of a Government College to a place 19 kilometers away, holding that such a move cannot be deemed a political decision.

9. In ***CWPIL No. 75 of 2026***, titled as ***Arsh Bhardwaj Vs. State of Himachal Pradesh and another***, a challenge was laid to the shifting of the office of the Engineer-in-Chief (Project) from Mandi to Fatehpur, District Kangra, Himachal Pradesh, along with 33 posts of various categories. The said petition has also been dismissed by us.

10. In ***J.R. Raghupathy and Others Vs. State of AP and Others., a/w connected matters (1998) 4 SCC 36***, the location of Mandal Headquarters was being shifted and the issue was whether it would amenable to the jurisdiction of the High Court. The relevant paragraphs of the judgment reads as under:-

“9. It will serve no useful purpose to delineate the facts in all the cases which follow more or less on the same lines. We are of the opinion that the High Court had no jurisdiction to sit in appeal over

the decision of the State Government to locate the Mandal Headquarters at a particular place. The decision to locate such Headquarters at a particular village is dependent upon various factors. The High Court obviously could not evaluate for itself the comparative merits of a particular place as against the other for location of the Mandal Headquarters. In some of the cases the High Court declined to interfere saying that the Government the best judge of the situation in the matter of location of Mandal Headquarters. However, in a few cases the High Court while quashing the impugned notifications for location of Mandal Headquarters issued under sub-s. (5) of s.3 of the Act on the ground that there was a breach of the guidelines, directed the Government to reconsider the question after hearing the parties.

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17. We find it rather difficult to sustain the interference by the High Court in some of the cases with location of Mandal Headquarters and quashing of the impugned notification on the ground that the Government acted in breach of the guidelines in that one place or the other was more centrally located or that location at the other place would promote general public convenience or that the Headquarters should be fixed at a particular place with a view to develop the areas surrounded by it or that merely because a particular person who was an influential Member of Legislative Assembly belonging to the party in opposition had the right of representation but failed to avail of it. The location of Headquarters by the Government by the issue of final notification under sub-s. (5) of s.3 of the Act was on a consideration by the Cabinet Sub Committee of the proposals submitted by the Collectors concerned and the objections and suggestions received from the local authorities like Gram Panchayat and the general public, keeping in view the relevant factors. Even assuming that any breach of the guidelines was justiciable, the utmost that the High Court could have done was to quash the impugned notification in a particular case and direct the Government to reconsider the question. There was no warrant for the High Court to have gone further and directed

the shifting of the Mandal Headquarters at a particular place.”

11. Apart from the issue of policy decisions, the matter covered in the petition clearly shows that the petitioners lack the *locus standi* to file the petitions. They have deposited Rs.50,000/- each, in pursuance of the order passed by this Court, which was intended to test their bona fides and determine whether a genuine Public Interest Litigation (PIL) element was involved.

13. We are thus of the considered opinion that the maintainability of this Public Interest Litigation (PIL) is questionable. In one instance, the petitioner is a retired employee who previously served as a President of the Himachal Pradesh Tourism Employees Registered Union, meaning thereby that their formal relationship with the organization has ended, leaving him with no *locus standi* to espouse the cause of serving employees. In the other case bearing **CWP No.12461 of 2025**, titled as **Mukesh Bhardwaj v. State of Himachal Pradesh and Another**, the petitioner is also no longer in service. Resultantly, these petitions appear to have been filed at the instigation of other persons and cannot be used as a front to initiate litigation or espouse the cause of others who might actually hold a valid cause of action.

14. Resultantly, we are of the considered opinion that the present petitions are not liable to be allowed and stand dismissed. Pending miscellaneous application(s), if any, shall stand disposed off.

15. Accordingly, the amount of Rs. 50,000/- deposited by each petitioner shall be disbursed equally between the Himachal Pradesh High Court Bar Association and the Himachal Pradesh High Court Staff Welfare Organization.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

16th September, 2026

(Munish Thakur)