

2025:HHC:45806

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Ex. Petition No. 1009 of 2024
Date of decision: 29.12.2025.

Chet Ram Thakur Petitioner.

Versus

State of Himachal Pradesh & others Respondents

Coram:

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

*Whether approved for reporting?*¹ _

For the Petitioner: Mr. Sanjeev K. Suri, Advocate.

For the Respondents: Mr. Sidharth Jalta, Deputy
Advocate General,

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

Execution is sought of the judgment dated
22.07.2014, passed by the Co-ordinate Bench in Civil
Writ Petition No. 4723 of 2014, titled as ***Chet Ram***
Thakur Vs. State of Himachal Pradesh & others,
decided in terms of the order passed in Civil Writ

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

Petition No. 4550 of 2008, titled as ***Ravi Kumar vs. State of Himachal Pradesh & others***, decided on 16.12.2010 (Annexure E-2).

2. Apparently, the primary order as such was with regard to granting the benefit of increments during the tenure period and the said service was to be counted for the purpose of pension as in the case of *ad hoc* appointment in the Education Department.

3. Learned Counsel for the petitioner has sought to argue that the pay of the petitioner was re-fixed erroneously, vide order dated 16.02.2016 (Annexure E-5) after the judgment passed in his favour, which is not justifiable.

4. In the speaking order dated 28.09.2024 appended as Annexure R-1 with the affidavit filed by the State, dated 25.10.2024, it has been mentioned that the pay of the petitioner has been fixed from the beginning of the tenure service and pensionary benefits have been granted to him on counting of the tenure

service vide order dated 16.02.2016, which is now objected to, on merits as such, by the learned Counsel for the petitioner.

5. In the supplementary affidavit filed by the State, dated 11.03.2025, it has been clarified that the petitioner was appointed on 25.05.1989 and there was no entry as such in his Service Book about qualifying B.A or B.Ed. It has further been mentioned that the pay scale of Rs.1640-2925 was granted to those LTs/Shastries who were appointed on regular basis prior to 23.03.1989 and the LTS and Shastries who were appointed after the aforesaid date and possessed less qualification than that of TGTs or equivalent, would get pay scale of Rs. 1500-2640 and those Shastries and LTs who fulfilled the educational qualification and possessed the qualification of TGT or equivalent from a recognized University, would get the pay scale of Rs.1640-2925 as per the instructions dated 17.12.1991.

6. Reference has also been made to the communication dated 09.09.2025 addressed to the learned Advocate General by the Director, Directorate of School Education, Himachal Pradesh, wherein it has been mentioned that the petitioner was not in possession of the qualification of TGT at the time of entry in the service and there was no entry in his Service Book to this extent. The petitioner having been appointed on tenure basis on 25.05.1989 was held entitled to revised pay scale from the date of his regularization i.e. 01.10.1997.

7. Keeping in view the above, if the petitioner has any cause of action as such regarding revision of pay scale on the basis of his qualification, it is always open for him, to challenge the same, as specific averment has been made that his pay has not been fixed in pursuance to the directions, which is sought to be executed.

8. Faced with this situation, the Execution Petition is dismissed, with liberty to the petitioner to challenge the order of his pay revision, in accordance with law, if so desired.

9. Pending application(s), if any, also stands disposed of.

(G.S. Sandhawalia)
Chief Justice.

December 29, 2025
(hemlata)

(Bipin C. Negi)
Judge.