

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.20418 of 2025

Decided on: 24.12.2025

Devender Singh & Anr.

..Petitioners

Versus

State of H.P. and Ors

.....Respondents

Coram

Hon'ble Mr. Justice Sushil Kukreja, Judge

Whether approved for reporting?¹

For the Petitioners: Mr. Onkar Jairath, Advocate.

For the Respondents: Mr. Anup Rattan, Advocate General
with Mr. Rajat Chaudhary, Assistant
Advocate General.

Sushil Kukreja Judge (*Oral*)

Notice. Mr. Rajat Chaudhary, learned Assistant Advocate General, appears and waives service of notice on behalf of the respondents.

2. With the consent of learned counsel for the parties, the matter is heard at this stage.

Looking to the nature of the impugned order, grievances of the petitioners and the basis for assailing the impugned order, reply to the writ petition is not required to be called.

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

2. Petitioners have instituted CWP No. 16095 of 2024 titled ***Champa Kumari & Ors Vs. State of H.P. & Ors*** , decided alongwith connected matters on 24.12.2024, seeking higher pay scale on the strength of decision rendered ***CWP No. 1638 of 2024, titled Mohit Sharma & Anr. Versus State of H.P. & Ors.*** decided on 29.11.2024.

Writ petitions were disposed of by directing the respondents to consider the cases of the petitioners in light of *Mohit Sharma* and pass order in accordance with law within six weeks.

Pursuant thereto, respondents No.3 and 4 passed offices order on 18.12.2025 & 09.12.2025 (Annexure P-4 colly) and held that the petitioners were not similarly situated and were not covered by *Mohit Sharma*, hence their cases were rejected.

3. Feeling aggrieved, petitioners have preferred this writ petition.

4. Heard and considered the case file.

While rejecting the cases of the petitioners, respondents No.3 and 4 have held that petitioners had not completed two years of contractual service up to 30.09.2021. The Revised Pay Scale Rules 2022, notified by

the State of H.P., were applicable to the persons appointed on regular basis to the services and posts in connection with the affairs of the State of Himachal Pradesh. Since the petitioners had not been appointed on regular basis up to 30.09.2021, therefore, decision in *Mohit Sharma* was not applicable to them.

It appears that respondents No.3 and 4, while rejecting the cases of the petitioners, has not appropriately considered the decision in *Mohit Sharma*, which *inter-alia*, holds that Irrespective of incumbent's previous nature of employment contractual/temporary etc., upon regularization of service, the employee becomes part of regular stream. With this change in his status, such employee becomes entitled the benefit of Revised Pay Rules, 2022. Benefits of Revised Pay Rules, 2022, cannot be denied to the employees merely because they acquired the status of regular employees after promulgation of Revised Pay Rules. The date of notifying the Revised Pay Rules and bringing them into force from a particular date cannot be construed to mean that those who attain regular status subsequently are to be denied the benefits of higher/revised pay. Of course, such employees would get the benefit post

their regularization. Portion from the decision relevant to the context, is extracted as under:-

- “4(iii). *It is not the case of the respondents that notification dated 03.01.2022 or the Revised Pay Rules, 2022, brought in force thereunder, are not to be made applicable to employees, who attain regular status after 03.01.2022. Irrespective of his previous nature of employment contractual/temporary etc., upon regularization of service, the employee becomes part of regular stream. With this change in his status, such employee becomes entitled to the benefit of Revised Pay Rules, 2022. Benefits of Revised Pay Rules, 2022, cannot be denied to the employees merely because they acquired the status of regular employees after promulgation of Revised Pay Rules. The date of notifying the Revised Pay Rules and bringing them into force from a particular date cannot be construed to mean that those who attain regular status subsequently are to be denied the benefits of higher/revised pay. Of course, such employees would get the benefit post their regularization. The Revised Pay Rules, 2022, restrict their applicability to regular employees. Therefore, the petitioners on becoming regular employees, upon fulfillment of conditions mentioned in the Rules are certainly entitled to higher stage of pay mentioned in the Rules. Any other interpretation would amount to creating classes within regular stream. Such differentiation would be discriminatory, unreasonable and violative of Articles 14 & 16 of the Constitution of India. There cannot be two pay scales in the same cadre for persons discharging same duties & responsibilities. Equals cannot be treated as unequal.*
- 4(iv). *Rule 7(A) inserted by amendment in the Revised Pay Rules, 2022, under the amendment notification dated 06.09.2022 has become part & parcel of the Revised Pay Rules, 2022, notified on 03.01.2022. Therefore, when the main Rules do not discriminate employees upon their acquiring regular status and are applicable to all regular employees subject to their respective & individual dates*

of attaining the eligibility for the benefits flowing from Revised Pay Rules, 2022, then the benefits of Rule 7(A) are also to be similarly accorded to the regular employees. Such of the employees, who have become regular after 03.01.2022 are to get benefits of the Revised Pay Rules, 2022, including Rule 7(A) upon their fulfilling the stipulated conditions. Thus, the petitioners on completing two years of regular service are to be released revised pay scale as per Rule 7(A) of the Revised Pay Rules, 2022.

- 4(v). *Even if Rule 7(A) of the Revised Pay Rules, 2022, is to be read independently of the Revised Pay Rules, 2022, which seems to be the misplaced contention of the State, then also the petitioners are entitled to the benefit of Rule 7(A). As in such situation also, it has to be held that Rule 7(A) does not place any embargo upon flow of benefits under it to the contractual employees, more so, upon their completing two years of regular service. The words used in Rule 7(A) pertaining to its applicability are “employees who are appointed before 03.01.2022,” without making any distinction between contractual or regular appointment. Petitioners are appointees prior to 03.01.2022. Revised Pay Rules, 2022, therefore, become applicable upon regularization of contractual appointees and higher stage of pay provided under Rule 7(A) is to be released upon completing requisite number of years of regular service.”*

In the instant case, the impugned order itself acknowledges in the table drawn therein that all the petitioners had completed two years of continuous contract services on 26.02.2022. Their services were regularized in April, 2022.

Prima-facie, it appears that cases of the petitioners are covered by *Mohit Sharma*, however, factual

aspects are required to be examined by the competent authority. Hence, impugned office orders dated 09.12.2025 and 18.12.2025 (Annexure P-4 colly) are quashed and set aside qua the petitioners. Respondent No.3/Competent Authority is directed to consider and decide the respective cases of the petitioners for grant of benefits under the Revised Pay Scale Rules, 2022, strictly in consonance with *Mohit Sharma* and in accordance with law, within a period of three weeks from today. The order so passed, be also communicated to the petitioners.

Pending miscellaneous application(s), if any, also to stand disposed of.

December 24, 2025

R.Atal

(Sushil Kukreja)

Judge