

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.4 of 2021
Decided on: 30.07.2026

Nitya Dev and others

...Petitioners

Versus

State of H.P. and another

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioners: Mr. Prantap Sharma, Advocate.

For the respondents: Mr. Amandeep Sharma, Additional
Advocate General and Mr. Amit
Kumar Chaudhary, Deputy
Advocate General.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioners by way of present petition have
prayed for the following substantive reliefs:-

- “(i). *That a writ in the nature of mandamus may kindly be issued directing the respondents to count the ad hoc service rendered by the petitioners towards increments and pensionary benefits.*
- (ii). *That further a writ in the nature of mandamus may kindly be issued directing the respondents release the unpaid salaries of the petitioners which were due to them along with interest @ 12% PA for their services rendered during winter and summer vacations, that too during ad hoc service.”*

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

2. The facts as emerge from the pleadings are that petitioners No.1 to 3 were appointed as Classical and Vernacular Teachers (in short 'C&V' Teachers) on 02.11.2000, 06.11.2000 and 03.11.2009, respectively. Thereafter, vide order dated 22.12.2009 (Annexure P-1), services of petitioner No.1 were regularized after completion of eight years of continuous service up to 31.03.2009 and vide office order dated 15.12.2009 (Annexure P-2), services of petitioners No.2 and 3 were regularized and they were granted the pay scale of Rs.10,300-34800/- plus Rs.3200/- (Grade pay) and annual increment @3% per year. It has been averred in the petition that this Court had rendered a judgment on 01.09.2008 in CWP No.415 of 2000, titled, ***Baldev Singh & others vs. State of H.P. & others*** along with connected matters, wherein it was held that the persons, who are appointed on contract basis are to be treated at par with the ad hoc appointees. It is further averred that since the contract appointees were granted the salary for the vacations, they are also entitled to the same and further the period of service rendered by them on contract basis is liable to be counted for the purposes of grant of increments and pensionary benefits and as such,

the petitioners sought direction to the respondents to count their contract service for the purpose of grant of increments and pensionary benefits.

3. The respondents filed short reply to the petition and averred that the petitioners were initially appointed on special contract basis as C&V Teachers, for the post of Shastri in the month of November, 2000. Their services were regularized in the month of December, 2009 after completion of eight years of continuous service on special contract basis. The petitioners have based their claim on the strength of the judgment passed in **Baldev Singh's** case (supra), whereby it was held that the appointees on contract basis are to be treated at par with the ad hoc appointees. The petitioners are seeking the indulgence of this Court for counting of their contract services for the purpose of increments and pensionary benefits. It has further been averred that the State had challenged the judgment passed in **Baldev Singh's** case (supra), which is pending adjudication before the Hon'ble Apex Court.

4. I have heard the learned counsel for the parties and also gone through the record carefully.

5. The respondents in the reply have not disputed

the fact that the petitioners were appointed on contract basis. Once the petitioners have been appointed on contract basis followed by regular appointment, the services rendered by them on contract basis have to be counted for the purpose of increments and pensionary benefits in view of the judgment rendered by the Division Bench of this Court on 10.01.2020 in CWP No.2411 of 2019, titled, ***Jagdish Chand vs. State of Himachal Pradesh & others*** along with connected matters, which judgment has attained finality.

6. The plea taken by the respondents in the reply that the matter with respect to the decision passed by this Court in **Baldev Singh's** case (supra) is pending before the Hon'ble Supreme Court is concerned, it has been brought to the notice of the Court that the SLP preferred by the respondent-State has been dismissed and once this Court had held in **Baldev Singh's** case (supra) that the petitioners are held entitled to the salary of the vacation period, which relief has been extended to the petitioners, they are only entitled to count the service rendered by them on contract basis for the purpose of increments and pensionary benefits in view of the authoritative

pronouncements of this Court in **Jagdish Chand's** case (supra), which has attained finality since the Special Leave Petition preferred by the respondents has been dismissed. Since the law is now clear that an employee who has served the Department on contract basis and thereafter his/her services have been followed by regularization, the entire period from the initial date of appointment on contract basis has to be counted for the purpose of increments and pensionary benefits. The petitioners are entitled to count the services rendered on contract basis for increments and pensionary benefits. Thus, keeping in view of the decision passed by a Division Bench in **Jagdish Chand's** case (supra), this Court is bound to follow the said dictum and to grant the relief claimed by the petitioners.

7. Consequently, the present petition is allowed and the respondents are directed to count the period of service rendered by the petitioners on contract basis from the initial date of appointment for the purpose of increments as well as for pensionary benefits. However, the petitioners are held entitled for the arrears only three years prior to the date of filing the petition. The respondents are directed to release the arrears in favour of the petitioners within three

months from today. No order as to costs. Pending applications, if any, also stand disposed of.

30th July, 2026

(Anurag)

**(Jiya Lal Bhardwaj)
Judge**