

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

**CWP No.4661 of 2022**

**Decided on: 29<sup>th</sup> September, 2026**

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Dr. Naresh Sharma

**...Petitioner**

**Versus**

Union of India and others

**...Respondents**

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*Coram*

**Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge**

*Whether approved for reporting?*<sup>1</sup>

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| For the petitioner: | Mr. Rajnish Maniktala, Senior Advocate with Mr. Dinkar Bhaskar, Advocate. |
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| For the respondents: | Mr. Nand Lal Thakur, Senior Panel Counsel, for respondent No.1. |
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Mr. R.P. Singh, Deputy Advocate General, for respondents No.2 and 3.  
None for respondent No.4.

Mr. Vinod Kumar Gupta, Advocate vice Mr. Bhupender Pathania, Advocate, for respondent No.5.

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**Jiya Lal Bhardwaj, Judge** *(Oral)*

By way of present petition, the petitioner has  
prayed for the following substantive reliefs:-

*“(A) That Order dated October 2017 (Annexure P-8) issued by the Director of Higher Education, Shimla may be quashed and set aside.*

*(B) That the pay of the petitioner may be stepped up and his pay may be ordered to be brought at par with proforma respondent and be fixed at the same*

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<sup>1</sup> Whether reporters of Local Papers may be allowed to see the judgment?

*amount i.e., Rs.81,232/- as on date of filing of the Petition along with the consequential increases.*

*(C) That the petitioner may further be paid the arrears of enhanced pay from the date when pay of the proforma respondent has been fixed at a higher amount as compared to the petitioner.*

*(D) That Clause 9.10 & 9.11 of UGC Regulations 2010 along with Clauses 7 (xxi) & 7(xxiii) of Appendix-I of UGC Regulations 2010 (Annexure P-3) may also be quashed and set aside.*

*(E) That Clauses 7(xxi) and 7(xxiii) of Notification dated 15.10.2009 (Annexure P-4) may also be quashed and set aside."*

2. Shorn of unnecessary details, the key facts of the case are that the petitioner was appointed as Lecturer (Chemistry) now Assistant Professor on 30.08.1991 in respondent No.5-College. He acquired the qualification of Ph.D. in the year 1992, whereas proforma respondent, who was appointed on the post of Assistant Professor (Physics) on 01.09.1992, acquired the qualification of Ph.D. on 07.06.2008. As per the pleadings, the petitioner, who is senior to proforma respondent No.8, is drawing less salary, as compared to him. The petitioner has specifically averred in the petition that the pay of the petitioner became less as compared to the proforma respondent on account of grant of three advance

increments to the proforma respondent. The petitioner in para 13 of the petition has drawn a table, a perusal of which reveals that the pay of the petitioner before 07.06.2008 was Rs.50,430/-, whereas the proforma respondent was drawing a sum of Rs.49,240/-. However, after 07.06.2008, the pay of the petitioner remained same, whereas the pay of the proforma respondent was increased to Rs.53,672/-. As on the date of filing the petition in the year 2022, the petitioner was drawing a sum of Rs.76,360/-, whereas proforma respondent was being paid Rs.81,232/-.

3. Learned senior counsel for the petitioner submits that once the petitioner is admittedly senior to the proforma respondent, as per the settled law of the Hon'ble Supreme Court in ***Gurcharan Singh Grewal and another vs. Punjab State Electricity Board and others***, (2009) 3 SCC 94, a senior cannot draw less pay than his junior.

4. The respondents filed their reply to the petition and did not dispute the facts as mentioned above. However, it

has been stated that as per Notification dated 15.10.2009, the pay scales of college teachers were revised with effect from 01.01.2006 and as per the revision, the provision of awarding three increments was made for the Assistant Professors in Government Colleges upon acquiring Ph.D. qualification. Proforma respondent No.8 was appointed as Lecturer in the respondent-Department on 01.09.1992 and he acquired his Ph.D. degree on 07.06.2008. Accordingly, he was awarded three increments as per the provisions contained in the revised scale and his pay was fixed at higher emoluments than those of the petitioner. It has further been stated that the petitioner has no locus standi to claim the benefits of three increments as these terms and conditions are not applicable to him inasmuch as the petitioner had completed his Ph.D. in the year 1994, when there was a provision for awarding only two increments for Ph.D. holders at that time and, therefore, he was awarded two increments on the basis of the qualification of Ph.D. in accordance with the then UGC

Regulations.

5. I have heard the learned senior counsel representing the petitioner, Mr. Nand Lal Thakur, learned Senior Panel Counsel for respondent No.1, Mr. R.P. Singh, learned Deputy Advocate General for respondents No.2 and 3 and Mr. Vinod Kumar Gupta, learned counsel for respondent No.5 and also perused the record carefully.

6. It is not in dispute that the petitioner was appointed prior to proforma respondent and further, he was also awarded the Ph.D. degree, prior to him. Once the petitioner is senior to proforma respondent, the petitioner cannot be paid less pay than his junior as per the judgment of the Hon'ble Supreme Court in ***Gurcharan Singh Grewal's*** case (supra). The respondents have denied the claim of the petitioner solely on the ground that when he had acquired the qualification of Ph.D., as per the norms, there was only provision of awarding two increments for Ph.D. holders, whereas when the proforma respondent acquired the

qualification of Ph.D., there was a provision in the norms to award three increments in the revised scale, as a result of which, the proforma respondent started drawing a higher salary. However, the said contention cannot be accepted for the reason that once the petitioner is admittedly senior to the proforma respondent, he cannot be granted less pay and the respondents are under obligation to remove the anomaly in the pay scale by stepping up his pay.

7. Learned senior counsel for the petitioner has submitted that the similar issue had come up before a coordinate Bench of this Court in CWP No.4203 of 2022, titled, ***Dr. Rajender Sharma vs. Union of India and others*** and the impugned order, whereby the relief was declined to the said petitioner was quashed and the respondents were directed to remove the anomaly and the relevant para of the relief granted is reproduced as under:

*"18 Accordingly, in light of above discussion, this petition is allowed. The act of the respondents of not stepping up the pay of the petitioner to bring it at par with the proforma respondent is held to be bad in law. Order Annexure P-8 is quashed and set aside*

*and the respondents are directed to remove the anomaly in the pay scale of the petitioner as compared to the proforma respondent as from the date when the anomaly occurred, till the same remained. As the petitioner has already superannuated, the arrears to which the petitioner is entitled to, be released in his favour within a period of three months from today, failing which, the same shall entail interest @6% from the date of filing of the petition."*

8. Since the dispute raised in the present petition is squarely covered by the said judgment, which fact has not been disputed by the learned counsel representing the respondents, this Court is of the considered view that the respondents have wrongly denied the relief to the petitioner of stepping up of his pay to make it at par with proforma respondent. As already noticed above, as per the judgment of the Supreme Court in **Gurcharan Singh Grewal's** case (supra), a senior cannot be given less pay as compared to his junior. This view is being consistently followed and thus, the petitioner is entitled to step up of his pay to make it at par with proforma respondent.

9. Consequently, in view of the discussion made

hereinabove, the present petition is allowed and the action on the part of the respondents in not stepping up the pay of the petitioner to bring it at par with proforma respondent, is held to be bad in law. The order dated October, 2017 (Annexure P-8) is quashed and set aside and the respondents are directed to remove the anomaly in the pay scale of the petitioner as compared to the proforma respondent with effect from the date when the anomaly occurred, till the same remained. Since the petitioner has now been superannuated, the arrears due, shall be paid to him, within a period of three months from today, failing which, the respondents shall pay interest at the rate of 6% per annum from the date of filing the petition till actual payment.

10. The petition is accordingly disposed of. No order as to costs. Pending miscellaneous application(s), if any, also stand disposed of.

**29<sup>th</sup> September, 2026**  
(ankit)

**( Jiya Lal Bhardwaj )**  
**Judge**