

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**LPA No.23 of 2026****Date of Decision:- 21.07.2026****Tara Chand****....Appellant****Versus****The Financial Commissioner-
cum-Secretary (Revenue) and another****....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 Appellant : Ms. Sunita Sharma, Senior Advocate with Ms. Harshita Dogra and Ms. Hiaa Sharma, Advocates.

For the Respondents : Mr. Gobind Korla, Additional Advocate General.

G.S. Sandhawalia, Chief Justice (Oral)

Consideration in the present Letters Patent Appeal is sought to the order passed by the learned Single Judge in ***CWPOA No.3493 of 2019*** titled as ***Tara Chand Vs. State of Himachal Pradesh and Others***, dated 09.05.2025, whereby the writ petition was dismissed.

2. The appellant in the writ petition had prayed for the relief of regularization as Clerk from the date he began performing those duties, as well as the payment of a Clerk's

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

wages with effect from 1993, based on the principle of equal pay for equal work.

3. While addressing the history of the case and keeping in view the fact that it was the third round of litigation, the learned Single Judge had come to the conclusion that there was a delay of about 20 years in filing the petition for the claim of appointment as a Clerk with effect from 1993. On an earlier occasion, O.A. No. 1365 of 2000 and CWP No. 985 of 2005 had been filed seeking special pay at par with the scale of Record Lifters. Therefore, the appellant was dis-entitled from making this claim, as the earlier litigation neither included this claim nor sought liberty to raise it at a subsequent stage.

4. A perusal of the paper-book would go on to show that in the first round of litigation, the appellant had filed OA No. 1365 of 2000, seeking a pay scale of Rs. 810–1440 + 40 for the post of Basta Bardar. The erstwhile Himachal Pradesh State Administrative Tribunal had dismissed this claim on 31.03.2004. This dismissal led to the filing of CWP No. 985 of 2005, which was subsequently allowed, granting the appellant the benefits with effect from 01.01.1986. Notably, at that point

in time, no relief was sought regarding the pay scales for working as a Clerk since 1993.

5. The State had challenged the said judgment before the Apex Court in ***Civil Appeal No. 8435 of 2009***, titled as ***The State of Himachal Pradesh & Others Vs. Tara Chand Thakur & Another***, which was decided on 18.02.2020. The Apex Court upheld the order, holding that the post of Basta Bardar was higher than that of a peon, and therefore, the benefit was to be granted.

6. During the pendency of the said appeal before the Apex Court, the appellant had filed ***CWP No.356 of 2013-F***, titled as ***Tara Chand Vs. The Financial Commissioner-cum-Secretary (Revenue) Government of Himachal Pradesh, Shimla*** before this Court, which was disposed of on 10.01.2013 (**Annexure A-4**) with a direction to decide the representation. Consequently, on 28.03.2013 (**Annexure A-5**), the order rejecting the appellant's representation was passed.

7. Subsequently, ***CWP No. 4552/2013***, titled as ***Shri Tara Chand v. State of Himachal Pradesh and Others***, was filed, in which the rejection order dated 28.03.2013 (**Annexure A-5**) was set aside on the ground that a reasoned and speaking order was required to be passed, an opportunity for a hearing

was to be granted, during which further material could be placed in support of the case.

8. On 05.03.2014 (**Annexure P-1**), the Principal Secretary-cum-F.C. (Revenue) to the Government of Himachal Pradesh, keeping in view the fact that similarly situated persons had been appointed as Clerks in the Settlement Department, was requested to consider the appellant's case for appointment to the post of Clerk on the similar analogy, with retrospective effect from 1993, when he first began discharging the duties of a Clerk against a sanctioned post in the Office of the Deputy Commissioner, Shimla. Thereafter, the appellant was appointed as a Clerk against a vacant post with immediate effect, however, the appointment order was prospective, specifying that he would be entitled to the benefits of the post only from the date of his joining. The appellant was dissatisfied with the said order dated 05.03.2014 and subsequently filed a CWPOA No.3493 of 2019, claiming the benefit of Clerk from 1993, which had led to the dismissal of the writ petition, for the reasons already noted above.

9. Thus, it is apparent that this was not the first time, the petitioner/appellant was litigating. The initial grievance was solely regarding the pay scales of the Basta Bardar, for which

relief had already been duly granted by this Court. Still dissatisfied, the appellant initiated a second round of litigation, which led to rejection via a speaking order. Eventually, following that speaking order, the appellant was appointed as a Clerk on 05.03.2014. At no earlier point in time he had actually performed the duties of a Clerk while only receiving the pay scale of a Basta Bardar. Therefore, the improved pleadings in his case were rightly repelled by the learned Single Judge, who took into account the repeated litigation initiated by the appellant to alter and improve his stand after securing his appointment on 05.03.2014.

10. In such circumstances, we are of the considered opinion that there is no scope to interfere with the well reasoned order dated 09.05.2025, passed by the learned Single Judge. Resultantly, the present appeal stands dismissed.

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

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

21st July, 2026
(Munish Thakur)