

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWPOA No.1018 of 2019

Decided on: 16.06.2026

Uploaded on: 16.06.2026

Kedar Nath

...Petitioner

Versus

State of H.P. and another

...Respondents

Coram

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

Whether approved for reporting?¹

**For the petitioner: Mr. Hamender Chandel,
 Advocate.**

**For the respondents: Mr.Vishav Deep Sharma,
 Additional Advocate General.**

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present petition has prayed for the following substantive reliefs:-

- "i) *That the respondents may be directed to implement judgment dated 18.5.2011 passed in CWP No. 3462 of 2009, Annexure P-4, and the pay of the petitioner may be ordered to be fixed at Rs. 1640-2925/- as on 1.1.1986 for all intents and purposes and the petitioner may be allowed all the consequential benefits including arrears of pay.*
- ii) *That the petitioner may be allowed benefit of ACP scheme and he may be allowed the increments in the year 1994 after putting eight years of service. Further, the petitioner may be allowed the benefit to special increments in terms of letter dated 26.9.2011, Annexure P-5."*

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

2. The precise grouse now left to be adjudicated in the present petition is with respect to non-grant of two special increments to the petitioner after completion of 20 years of service.

3. The facts as emerge from the pleadings are that the petitioner was appointed as Shastrion tenure basis vide office order dated 31.10.1986 (Annexure P-1). When the petitioner was appointed on tenure basis as Shastri, vacancies were existing and further the petitioner was eligible to be appointed as Shastri on regular basis, in terms of the Recruitment and Promotion Rules. Later on, vide office order dated 12.10.1994, services of the petitioner were regularized as Shastri. However, the petitioner was denied the benefit of tenure service rendered by him w.e.f. 31.10.1986 to 12.10.1994 for the purpose of increments etc. The petitioner has now retired from service on 31.07.2010. As per office order dated 07.03.2013 (Annexure P-7), he was granted the benefit of tenure service for the purpose of increments and pension. He has only been denied the benefit of two special increments on the ground that as per the various pronouncements of the Court in adhoc/tenure cases, such services will be counted only for the propose of annual increments and pensionary benefits. Further two

special increments are admissible only after completion of 20 years of regular service.

4. It has been averred in the petition that as per communication dated 26.09.2011 (Annexure P-5), it was clarified that two special increments to C&V teachers have not been withdrawn and they shall continue to get two special increments even in revised pay band of pay scales after 01.01.2006. It has further been averred that since the petitioner has got no promotion in his service career, he is entitled to two special increments after completion of 20 years service, counting the period from the date of his initial appointment as Shastri on tenure basis.

5. The respondents filed reply to the petition and averred that the petitioner is not entitled to file the present petition. The petitioner has been granted the benefit of tenure service. His pay was fixed at Rs.1500/- w.e.f. 10.11.1986 i.e. the date of his initial appointment and accordingly Rs.83,308/- has also been released in his favour, which accrued on account of restricting the arrears for 36 months. It has further been averred that so far as the grant of two special increments on account of completion of 20 years of service is concerned, as per various pronouncements of the Court, in adhoc/tenure cases, such service will be counted only for the

purpose of granting annual increments and pensionary benefits. Hence, the claim of the petitioner to that extent is not justified.

6. This Court vide order dated 31.10.2025 had directed the respondents to file supplementary affidavit, taking note of the communication dated 26.09.2011 (Annexure P-5), wherefrom it is not clear that two special increments are admissible after twenty years of regular service rendered in a cadre or the service rendered on adhoc tenure, contract and followed by regular service.

7. The respondents filed supplementary affidavit in compliance with the said directions, which were again reiterated in the order dated 22.12.2025. The respondents further averred that the matter was taken up with the Finance (Regulation) Department, regarding grant of two special increments to the C&V categories and the Finance Department has issued Notification dated 27.09.2012, whereby it was ordered that C&V Teachers, Drivers and all Class-IV employees shall continue to get special/additional increment after putting in 20 years of regular service under the HPCS (Category/postwise) Rules, 2012. It has also been averred that the benefit of two special increments was admissible only after completion of 20 years of regular service. Adhoc, tenure or contract service followed by regular service was not countable for the purpose of grant of two special increments.

8. The petitioner filed reply/counter to the supplementary affidavit and averred that as per letter dated 26.09.2011, the C&V Teachers are held entitled to get two special increments after 20 years of service. Since the petitioner did not get any promotion during his service career, he is entitled to grant of two special increments after 20 years' service.

9. I have heard the learned counsel for the parties and also perused the record carefully.

10. It is not in dispute that the respondents have granted the benefit of annual increments to the petitioner from the initial date of his appointment as Shastri on tenure basis, as is evident from a perusal of office order dated 07.03.2013 (Annexure P-7). The petitioner has retired from service on 31.07.2010. It is also not in dispute that the regularization of the petitioner on the post of Shastri is after following the tenure service rendered by him on the post of Shastri. Further, a perusal of communication dated 26.09.2011 (Annexure P-5), reveals that the Finance Department had not issued any orders for withdrawal of two special increments to C&V teachers after 20 years of service and accordingly, they shall continue to get two special increments even in revised pay band of pay scales after 01.01.2006. In this communication, it is nowhere mentioned that grant of two special increments to C&V teachers will

be only to those persons who completes 20 years' service on regular basis. Even if the said condition was mentioned in the communication, the same could not have come in the way of the petitioner, especially when he has been granted the benefit of annual increments from the initial date of his appointment on tenure basis on the post of Shastri and further the said period is being counted for pensionary benefits, which is strictly in terms of the directions given by this Court in CWP No.3462 of 2009, titled, **Gopal Sharma vs. State of H.P and another**, decided on 18.05.2011.

11. The plea taken by the respondents that the benefit of two special increments will be admissible only to those employees who completes 20 years' of regular service, is not based on any cogent reasoning inasmuch as the opinion of the Finance Department based on Notification dated 27.09.2012 is not at all attracted to the case of the petitioner, who retired on 31.07.2010. Once the Finance Department had already clarified that it has not issued any orders of withdrawal of two special increments to the C&V teachers, without mentioning that the same is to be paid to the persons, who completes 20 years of regular service, the plea taken by the respondents in the supplementary affidavit that the increments will be admissible only after completion of 20 years of regular service, is without any basis and said plea cannot be

countenanced, especially when the petitioner has been granted the benefit of annual increments from the initial date of appointment as Shastri on tenure basis and further the entire period of service has been counted for the pensionary benefits. The respondents now cannot interpret the clarification already issued on 26.09.2011 to say that the benefit of two special increments will be given after completion of 20 years of regular service. In case the said plea is accepted, the same would be against the mandate contained in the judgment passed by this Court in ***Gopal Sharma's*** case (supra), wherein, it has been held that the uninterrupted service rendered by the adhoc teachers must be counted for the purpose of calculating the grant of annual increments.

12. The action on the part of the respondents to deny the benefit to the petitioner of two special increments is not only violative of Articles 14 and 16 of the Constitution of India, but is also against the instructions issued by the respondents themselves, wherein there is no mention of grant of the same after completion of 20 years of regular service. Furthermore, the notification dated 27.09.2012 mentioned in the supplementary affidavit is not applicable to the case of the petitioner, who has retired from service on 31.07.2010.

13. Consequently, the present petition is allowed and the respondents are directed to grant benefit of two special increments to the petitioner after completion of 20 years of service, counting the period from the initial date of appointment as Shastri on tenure basis as per office order dated 31.10.1986 with all consequential benefits. However, it is made clear that since the petitioner has approached this Court only in the year 2012, the arrears shall be restricted to three years prior to filing of the writ petition. In case the arrears are not paid within three months from today, the same shall be paid along-with interest @6% per annum from today till actual payment.No orders as to cost.Pending applications, if any, also stand disposed of.

16th June, 2026
(naveen)

(**Jiya Lal Bhardwaj**)
Judge