

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

CWPOA No.1197 of 2019

Decided on: 08.10.2026.

Dharam Chand.

....Petitioner

Versus

State of Himachal Pradesh and Ors.

....Respondents

Coram :

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹*Whether approved for reporting?*

For the petitioner : Mr. Anil Kumar, Advocate.

For the respondents : Mr. Rahul Thakur, Deputy
Advocate General.

Ranjan Sharma, Judge

Petitioner has filed the instant petition before this

Court seeking the following relief(s):

- (i) That the respondents may kindly be directed to grant pay scale of cook to the petitioner as per judgment passed in CWP No. 171 of 2004 dated 17.11.2005 with all consequential benefits.

2. Pursuant to issuance of notice, the State Authorities have filed Reply-Affidavit dated 10.04.2018 of Director Health Services.

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

3. Reply-Affidavit indicates that petitioner has been granted the pay scale of a Cook, alongwith due and admissible benefits, notionally w.e.f. 01.03.2026 by Block Medical Officer, Churi, District Chamba. Reply-Affidavit further indicates that petitioner stood retired from service and has attained superannuation also.

4. Factual matrix and the Reply-Affidavit, and the material on record indicates that the petitioner has raised a claim for revised pay scale on the basis of the judgment passed by this Court in the case of **State of Himachal Pradesh vs State Vs. Chet Ram** and others, in CWP No. 171 of 2004 decided on 17.11.2015, Annexure P-2. Reply-Affidavit indicates that after passing of judgment, the State Authorities decided to give the benefits of revised pay scale to 28 Cooks, including the petitioner; and even pay has been fixed, notionally, in the applicable scale.

5. Instant petition has been filed for claiming “consequential benefits” The claim, is not tenable, for the reason firstly, that the petitioner has filed the present writ petition in the year 2012, claiming, the pay scale of Rs 400-600 as Cook, instead of the pay scale of Rs. 300-430/-

from the date of his initial appointment in the year 1977 and thereafter in revised pay scales; and secondly, the belated filing of writ petition in the year 2012 claiming consequential benefits, including entire past arrears from date of initial appointment on 05.04.1977 [Annexure P-1] or from 01.03.1980 from the date these benefits were given to **Chet Ram** [supra], disentitles the petitioner for relief of consequential benefits including past arrears. Petitioner, being a fence-sitter cannot seek leverage of his inaction or lethargy. Even, the claim for past arrears, is not a continuing cause, unlike pay fixation, which has already been released granted to the petitioner. Accordingly, the claim for past arrears or consequential benefits, is turned down and the benefits given "notionally" are upheld.

6. In above backdrop, present petition is dismissed, and the claim for past arrears, is barred by delay and laches.

7. In aforesaid terms, the writ petition and all pending miscellaneous applications, if any, shall accordingly, stand disposed of.

(Ranjan Sharma)
Judge

October 08, 2026
(Anita)