

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.304 of 2024

Date of Decision:- 01.10.2026

Sh. Ram Pal Sood and Others **....Appellants**

Versus

State of Himachal Pradesh and Others **....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 Appellants : Mr. Neeraj Sharma, Senior Advocate with Mr. Hemant Kumar Thakur and Mr. Vidush Chauhan, Advocates.

For the Respondents : Mr. Rakesh Dhaulta, Additional Advocate General, for the respondents-State.

G.S. Sandhawalia, Chief Justice (Oral).

In the present Letters Patent Appeal, 53 appellants, who were among the 60 original writ petitioners, seek consideration of the order passed by the learned Single Judge in **CWPOA No. 673 of 2019**, titled as **Sh. R.P. Sood and Others Vs. State of Himachal Pradesh and Others**, dated 11.07.2022.

The said writ petition was decided on 11.07.2022 along with 40

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

other writ petitions. The primary prayer made in the writ petition was for the grant of revised pay scales as extended to Senior Lab Technicians in the State of Punjab, effective from the dates the same were paid to the latter, vide **Annexures P-4 to P-8**, read with **Annexure P-9**, along with all consequential benefits. This included the grant of a further revised scale in accordance with the general conversion table w.e.f. 01.01.2006. The petitioners further prayed that the arrears of higher pay found payable consequent to the fixation of such pay scales w.e.f. 1978 and subsequent revisional dates be paid to them with up-to-date interest @ 12% per annum from the date the amounts fell due.

2. As per the reply initially filed by the respondents-State dated 26.09.2012, its stand was that the State Government has exclusive jurisdiction over State Public Services. Only the pay scales and service conditions prescribed under Article 309 are applicable within the State. Thus, the pay scales of Punjab cannot be applied until the State Government issues its own orders. Furthermore, the State of Himachal Pradesh does not follow pay scales based on the decisions of the Punjab and Haryana High Court rendered in the State of Punjab, nor has it notified any higher pay scale for the category of Senior

Laboratory Technicians in Himachal Pradesh. As such, the petitioners have no right to claim the same.

3. In the rejoinder/replication filed by the petitioner, a copy of the notification dated 20.07.2013 was annexed as Annexure P-16. This notification indicates that the State Government revised the Grade Pay for Senior Laboratory Technicians to Rs.3,600/-. Resultantly, the petitioner pleaded that the pay scales of the Punjab Pay Commission should be fully implemented and adopted for the petitioner's category, strictly adhering to the revised pattern and recommendations of the complete Punjab Pay Commission Report.

4. The learned Single Judge, taking into account these factors, noted that the revision had been granted with effect from 01.05.2013 pursuant to the Government's decision dated 16.04.2013. Resultantly, the learned Single Judge had formulated the question of whether the petitioner was entitled to a revision of pay scales on the analogy of Punjab w.e.f. 01.01.1978 and its subsequent stages.

5. Resultantly, the learned Single Judge relied upon the judgments of the Apex Court in ***P.U. Joshi Vs. Accountant General (2003) 2 SCC 632, Union of India Vs. M.V. Mohanan Nair AIR 2020 SC 5107***, and ***State of Himachal Pradesh Vs.***

P.D. Attri (1999) 3 SCC 317, as well as the judgment of the Coordinate Bench of this Court in **CWP No. 2710 of 2018** titled as **State of Himachal Pradesh & Others Vs. Dr. Suman Sharma and other connected matters**, decided on 22.09.2020.

The learned Single Judge had concluded that the State of Himachal Pradesh was not bound by the decision rendered by the High Court of Punjab and Haryana. Furthermore, the State of Himachal Pradesh is not bound to follow every change brought about in the Rules and Regulations of the State of Punjab, even where the State of Punjab had specifically directed the implementation of revised pay scales w.e.f. 01.01.1978.

6. Reliance was also placed upon the judgments of the **Apex Court in Punjab State Power Corporation Limited Vs. Rajesh Kumar Jindal and Others (2019) 3 SCC 547, Punjab State Electricity Board and Another Vs. Thana Singh and Others (2019) 4 SCC 113**, and **Indian Ex-Servicemen Movement & Others v. Union of India & Others (2022) 7 SCC 323**. This reliance was based on the fundamental principle that policy decisions, which account for factors such as the method of recruitment, level of recruitment, service hierarchy in a given cadre, minimum educational/technical qualifications, promotional

avenues, nature of duties and responsibilities, and the employer's capacity to pay justify the rejection of the appellants' case.

7. Counsel for the respondents-State has brought to our notice that in similar circumstances, we had allowed **CWP No. 451 of 2019**, titled as **State of Himachal Pradesh & Others Vs. Himachal Pradesh State Co-operative Department Non-Gazetted Employees Association along with connected matters**. That matter also raised the issue of pay scales, specifically regarding Inspectors of the Cooperative Societies who were seeking pay scales parity with the State of Punjab. Resultantly, the question formulated was whether, as a mandate of law, one State is bound to follow the pay scale prescribed by another State.

8. Accordingly, we had relied upon the judgments of the Apex Court in **Secretary, Mahatma Gandhi Mission and Another Vs. Bhartiya Kamgar Sena and Others (2017) 4 SCC 449**, and **State of Uttarakhand Vs. Sudhir Budakoti and Others (2022) 13 SCC 256** and also relied upon the judgments of the Coordinate Bench of this Court in **CWP No. 8425 of 2010**, titled as **Balvinder Singh Mahal Vs. State of Himachal Pradesh and Others**, decided on 16.10.2014, and **CWP No. 2710 of 2018**, titled as **State of Himachal Pradesh and Others**

Vs. Dr. Suman Sharma, decided on 22.09.2020, to conclude that the State was not mandatorily bound to adopt or follow the revised pay scales notified by another State, thereby setting aside the order passed by the Tribunal.

9. In such circumstances, we are of the considered opinion that the matter stands squarely covered against the appellants. Resultantly, the present appeal stands dismissed.

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

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

1st October, 2026
(Munish Thakur)