

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.1831 of 2019

Decided on: 24th August, 2026

Ramesh Kumar

...Petitioner

Versus

State of H.P. and others

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

Whether approved for reporting?¹

For the petitioner:

Mr. Parav Sharma and Mr. Shekhar Badola, Advocates.

For the respondents:

Mr. Hemant Kumar Verma, Deputy 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 release the senior scale of Rs 1800-3200 to the petitioner on completion of 8 years service w.e.f. 29.4.1995 as per the HP Civil Services (RP) Rules dated 23.3.1989 vide Annexure P-2 and pay fixation from due dates till day with all consequential benefits forthwith.

ii) That the Respondents may be directed to release the selection grade of Rs 2000-3500, revised to Rs 6400-10640 on completion of 18 years service w.e.f. 29.4.2005 as per HP Civil Services (RP) Rules dated 23.3.1989 vide Annexure P-2 r/w HP Civil Services (RP) Rules dated 20.1.1998 vide Annexure P-4 and pay fixation from due

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

dates till day with all the consequential benefits forthwith.

iii) That the Respondents may be directed to release 2 special increments to the petitioner on completion of 20 years service w.e.f. 29.4.2007 as per the letter dated 26.9.2011 vide Annexure P-5 and pay fixation from due dates with all the consequential benefits forthwith.

iv) That the action of the Respondents in denying the senior scale w.e.f. 29.4.1995 ; the selection grade w.e.f. 29.4.2005 and 2 special increments w.e.f. 29.4.2007 and pay fixation till day may kindly be quashed and set-aside forthwith."

2. Learned counsel for the petitioner submits that he has instructions not to press prayers Nos.i), ii) and iv), as the reliefs claimed therein have been granted to the petitioner. His statement is taken on record and the petition is being considered and decided only in respect of prayer No.(iii)

3. As per the admitted facts, the petitioner was appointed as Shastri on tenure basis on 29.04.1987 and thereafter his services were regularized w.e.f. 01.04.1994. As per the instructions dated 26.09.2011 (Annexure P-5), it was clarified that the proposal regarding grant of two special increments to C&V teachers and high scale granted as a personal to them on revision of pay structure w.e.f. 01.01.2006 was examined at Government level. Finance

Department has not issued any orders for withdrawal of two special increments to C&V teachers after completion of 20 years of service and accordingly they shall continue to get two special increments even in the revised pay band of pay scales after 01.01.2006.

4. The grievance of the petitioner is that neither he has been granted two special increments though the category of Shastri is also included in the category of C&V teachers on completion of 20 years of service, nor pay fixation benefits have been granted to him w.e.f. 29.04.2007.

5. It has been averred that when the petitioner was not granted the benefit in terms of clarification dated 26.09.2011, he preferred a representation dated 05.07.2012 (Annexure P-6), requesting therein to grant him senior scale, selection grade and special increments, but nothing was done by respondent No.1 and thus, he has approached this Court *inter alia* on the ground that the action on the part of the respondents in denying him two special increments after completion of 20 years service w.e.f. 29.04.2007, as per

clarification dated 26.09.2011 is illegal and thus sought directions to the respondents to grant him the benefit of two special increments w.e.f. 29.04.2007, when he had completed 20 years of service on the post of Shastri.

6. The respondents filed reply to the petition and raised preliminary submissions that the writ petition is not maintainable. So far as the other reliefs claimed by the petitioner are concerned, the same were also denied and opposed by the respondents, however, keeping in view the submission made by the learned counsel for the petitioner that the petitioner has been granted the said benefits, there is no need to consider the said reliefs. However, in respect of the relief regarding grant of two special increments, it has been averred that as per the instructions contained in letter dated 08.06.1999 of Under Secretary (Education) to the Government of Himachal Pradesh, two special increments were allowed to those C&V teachers, who had completed 20 years of regular service as such in their respective cadre w.e.f. 01.04.1999. But the services of the petitioner were

regularized w.e.f. 01.04.1994 and he retired from service on 31.12.2012 i.e. before completion of 20 years of regular service, and therefore, he is not entitled to two special increments. It has not been disputed by the respondents that the petitioner was appointed as Shastri on tenure basis on 29.04.1987 and that his services were thereafter regularized w.e.f. 01.04.1994.

7. The petitioner filed rejoinder to the reply and controverted the averments made therein.

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

9. As already observed above, the learned counsel for the petitioner has only pressed for relief of two special increments after completion of twenty years' service and as such, only this relief is considered.

10. The relief with respect to grant of two special increments deserves to be granted to the petitioner keeping in view the fact that he was appointed as Shastri on tenure basis on 29.04.1987 and his tenure service has led to

regularization w.e.f. 01.04.1994 and he completed 20 years of services on 29.04.2007. As per the clarification issued by the State Government vide communication dated 26.09.2011 (Annexure P-5), the Finance Department had not issued any orders for withdrawal of two special increments to C&V Teachers after 20 years of service and they were allowed to continue to get two special increments even in the revised pay band of pay scale after 01.01.2006. Since the services of the petitioner on tenure basis have been considered for regularization, the period of tenure service for the purpose of grant of two special increments has also to be counted and if the period is counted w.e.f. 29.04.1987, the petitioner had completed 20 years of service as on 29.04.2007 and as per clarification dated 26.09.2011, he was entitled to two special increments, which have wrongly been denied to him.

11. Learned counsel representing the respondents has vehemently argued that since the petitioner had not completed 20 years of service from the date of his regularization on 01.04.1994 and retired from service on

31.12.2012, the respondents have rightly not granted him the benefit of two special increments. However, the said contention cannot be accepted for more than one reason. Firstly, it is not the case of the respondents that the services of the petitioner were not regularized after considering the services rendered by him on tenure basis. Secondly, the period of tenure service has to be counted for the purpose of service benefits once the said period has been considered for regularization and thus, the contention raised by the learned counsel representing the respondents that the period has to be counted from the date of regularization of his services, cannot be accepted and the same is rejected.

12. Learned counsel for the respondents has further canvassed before the Court that since the petitioner has approached the Court only in the year 2012, the arrears on account of the benefits may be restricted. The said submission deserves acceptance. However, once the respondents had issued the clarification dated 26.09.2011, specifically mentioning therein that the Finance Department

had not issued any orders for withdrawal of two special increments to C&V Teachers after 20 years of service, the petitioner is entitled to get the said benefit at least from the said date on actual basis and on notional basis from the due date. Therefore, the respondents are directed to pay the arrears to the petitioner on notional basis after completion of 20 years of service and on actual basis w.e.f. 26.09.2011. Since the petitioner has retired from service, his pension shall also be revised and the arrears on account of pension shall also be paid to him.

13. Consequently, the present petition is disposed of with a direction to the respondents to grant two special increments to the petitioner after completion of 20 years of service taking his date of appointment as 29.04.1987, on notional basis, w.e.f. 29.04.2007 and on actual basis w.e.f. 26.09.2011. Since the petitioner has retired from service, the respondents are further directed to revise his pension and release the consequential arrears of pension, within a period of six months from today. In case the arrears payable on

account of grant of two special increments are not paid to the petitioner within the aforesaid period, he shall be entitled to interest @6% per annum from the date of expiry of six months from today till the date of actual payment. No order as to costs.

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

24th August, 2026

(ankit)

**(Jiya Lal Bhardwaj)
Judge**