

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**CWPOA No.1812 of 2019****Decided on: 10th September, 2026**

Paviter Singh Negi

....Petitioner

versus

The Principal Secretary (Education) to the Govt. of H.P. and others.

...Respondents

*Coram****Hon'ble Mr.Justice Jiya Lal Bhardwaj, Judge.******Whether approved for reporting?¹*****For the petitioner: Mr. Ashwani K. Sharma,
Advocate.****For the respondents: Mr. Rupinder Singh Thakur,
Additional Advocate General for
respondents No.1 to 4, 6 & 7-
State.****None for respondent No.5.**

Jiya Lal Bhardwaj, Judge (Oral)

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

- "A. *Issue a Writ of Certiorari or any other Appropriate Writ or direction for the quashment of Notification issued by Government of Himachal Pradesh Finance (Pay) Revision Department, Dated 27th September, 2012 to the extent of para 10 & 12 whereby vide para 10 Trained Graduate Teachers on contractual basis who have rendered services for two years & vide para 12 School Lecturers / PGT on contractual basis who have rendered services for two years have been discriminated in comparison to Regular TGT's & School Lecturer's who have rendered services for two years are made entitled for higher Grade pay of Rs. 5,000/- & Rs.*

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

- 5400/- respectively in exception and comparison to contractual TGT's and PGT's who's Grade Pay was remained stagnant/less to the tune of Rs. 3600/- & 4200 respectively.*
- B. *Further, Issue a Writ of Certiorari for the quashment of para 2 of contractual agreement of TGT's with Director of Elementary Education and Para 2 of Contractual Agreement of PGT's with Director Higher Education wherein their Contractual Emoluments has been specified and restricted only up to Basic Pay + Grade Pay and they have been exempted from the benefit of Dearness Allowance + Others allowances and perquisites in comparison to counterparts as regular employees despite similarities in all spheres and perspectives.*
- C. *A Writ of Mandamus may kindly be issued by directing the respondents to extend the benefit of increased Grade pay to contractual employees with service experience of two years to the tune of Rs.5,000/-, 5400/- as has been extended in case of counterpart regular TGT's & PGT's vide Annexure P-4.*
- D. *Writ of Mandamus may kindly be issued by directing the respondents to extend similar contractual emoluments to the petitioners in consonance with counterpart regular employees in Education Department as they are similarly situated with every respect and perspective."*
2. During the pendency of the present petition, the other petitioners, who had joined with the petitioner initially when the writ petition was filed, had been deleted from the array of parties vide order dated 21.04.2026, in view of the fact that they were granted the benefit of deemed regularization from the initial date of their appointment on the basis of the subsequent proceedings initiated by them after the institution of the present petition.
3. The key facts of the case are that the petitioner on the recommendations of the Himachal Pradesh Subordinate Services

Selection Board, Hamirpur, was appointed as Lecturer of History (School Cadre) vide office order dated 10.11.2010 (Annexure A-1, page 148) along with other persons purely on contract basis on the salary of minimum pay band of (Rs.10300+ Grade Pay Rs.4200) i.e. Rs.14500 per month. Later on, his services, along with other persons, were regularized against the sanctioned post as per office order dated 27.04.2016 (Annexure A-2, page 152) on completion of five years continuous service as on 31.03.2016 in the pay band of Rs.10300–34800+Grade Pay of Rs.4200 and other allowances admissible from time to time.

4. The grievance of the petitioner, as highlighted in the petition, is that once the petitioner has been appointed after following the due process of law and had appeared in the screening test conducted by the Himachal Pradesh Subordinate Services Selection Board, he was entitled to be considered as a regular appointee from the initial date of his appointment. It has been averred that as per the condition of contractual emoluments as laid down in paragraph 15-A of the Recruitment and Promotion Rules (for short the 'R&P Rules') called as the Himachal Pradesh, Higher Education Department, Lecturer (School Cadre) Class-III (Non-Gazetted) Recruitment and Promotion Rules, 2009, notified on 11.06.2009 (Annexure P-2, page 31), the contractual employee was

entitled to salary of vacation period and further he has been restricted to the minimum of pay band plus grade pay and exempted from the benefit of the dearness allowance plus other allowances as given to the counterparts, who are appointed on regular basis. Once the respondents had offered the appointment to the petitioner after following the due process of law, the action on the part of the respondents to not consider him as regular appointee from the initial date of appointment is highly arbitrary and discriminatory, more particularly, when the petitioner after his appointment has also discharged the same and similar duties as performed by other persons, who were appointed on regular basis and thus, this disparity is totally illegal, arbitrary, and discriminatory and as such has prayed for quashing the Notification dated 27.09.2012 to the extent of paragraphs No.10 and 11, whereby TGTs and PGTs on contract basis, who have rendered services for two years have been discriminated in comparison to other regular TGTs and School Lecturers, who have rendered two years services and have been made entitled for the Grade Pay of Rs.5000 and Rs.5400 and further sought a direction to the respondents to extend the same contractual emoluments to him in comparison as was being paid to his counterparts, who have been appointed on regular basis.

5. Respondents No.1 to 3 filed reply to the petition and averred that the petition instituted by the petitioner is neither legally sustainable nor maintainable, in view of the Notification dated 27.09.2012, by which, no additional benefit has been allowed to contract appointees. It has further been averred that the revision of pay scale is finalized at the level of Finance Department and the Department has to follow the instructions of the Finance Department. The services of the contract teachers are governed by the terms and conditions of contract agreement executed between the employer and the employee. The offer with the condition, including pay to be given has been paid to the petitioner as the offer has been accepted by him and thus, both the parties are bound by the terms and conditions of the contract agreement.

6. Respondent No.4 filed separate reply and has averred that the Government had taken a conscious decision on 12.12.2003 to the effect that the mode of recruitment by way of contractual recruitment may also be prescribed, in addition to other mode of recruitment in all the R&P Rules and in compliance with the direction of the Government circulated vide letter dated 12.12.2003, the R&P Rules of the TGTs were amended vide Notification dated 22.10.2009, wherein the provision of contractual appointment was incorporated. It was also incorporated in the advertisement that the

TGTs appointed on contract basis will be paid fixed contractual emoluments at the rate of Rs.8220/- per month and an amount of Rs.160/- as annual increment increase in the contractual emoluments for the subsequent years. It has further been averred that as per the judgment of the Hon'ble Supreme Court in ***State of Punjab versus Surjit Singh*** (2009) 9 SCC 514, it has been held that the principle of 'equal pay for equal work' has no application in every case. Article 14 of the Constitution of India permits reasonable classification based on qualities or characteristics of persons recruited and grouped together. The State can make reasonable classification based on qualities or characteristics of persons recruited vide Notification dated 27.09.2012 and, therefore, the writ petition is not maintainable, and as such, prayed for dismissal of the petition.

7. After institution of the present petition, the petitioner had filed an application for placing on record his appointment order as well as order of regularization by moving an application which was registered as CMP-T No.256 of 2026. The said application was allowed vide order dated 03.09.2026. The petitioner has also placed on record the office order dated 01.12.2023 (Annexure P-7, page 120) issued by respondent No.4, whereby the persons appointed on contract basis were deemed to be considered as regular employees with all consequential benefits from the date when they were initially

appointed on contract basis. The petitioner has also placed on record the office order dated 10.09.2025 (Annexure A-3, page 155), issued by respondent No.4, whereby the counterparts of the petitioner, who were also appointed vide office order dated 10.11.2010, have been considered as regular employees of the State in the pay scale of Rs.10300-34,800 + 4200 Grade Pay plus allowances as admissible from time to time, from the date when they were initially appointed and joined on contract basis with all consequential benefits.

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

9. It is crystal clear from the office order dated 10.11.2010 (Annexure A-1, page 148) that the petitioner on contract basis on the recommendations of the Himachal Pradesh Subordinate Services Selection Board, Hamirpur, vide letter dated 01.11.2010 was offered the appointment as Lecturer of History (School Cadre) purely. As per the R&P Rules, which were in vogue at the relevant time, when the process was initiated for making selection as Lecturer (School Cadre), the same procedure as required and contemplated to offer appointment on regular basis was adopted by the respondents and only after the recommendations made by the Himachal Pradesh Subordinate Services Selection Board, Hamirpur,

the petitioner was offered the appointment alongwith other persons on contract basis. Thereafter, his services were regularized as per office order dated 27.04.2016 (Annexure A-2, page 152), after completion of five years continuous service as on 31.03.2016 alongwith other persons.

10. Learned Additional Advocate General has vehemently argued that so far as the appointment of the petitioner is concerned, it has been made on contract basis and as per the Notification dated 27.09.2012, no additional benefit has been allowed to contract appointees. The said submission cannot be accepted for the simple reason that once the petitioner was offered the appointment in sequel to the recommendations made by the recruiting agency created by the respondent-State to make selection in the year 2010, the subsequent Notification dated 27.09.2012, cannot be made applicable to govern his service conditions.

11. It is by now settled in catena of judgments that once the selection process has been initiated, as required for offering the appointment to a person on regular basis, even if there is a provision to offer the appointment on contract basis in the R&P Rules that cannot be a ground to deny him the same benefits as granted to regular appointee. Reference in this regard is made to the judgment passed by this Court in CWP No.3361 of 2025, titled,

Devinder Kumar & Ors. vs. State of H.P & Anr., and connected matters, wherein the Division Bench of this Court has categorically held that in case the appointment has been made to the post after advertising the post and further undergoing the same rigors as required for filling up the post on regular basis, the person, after his regularization, is entitled to count the entire service for all service benefits.

12. The said judgment was assailed by the State of H.P. before the Hon'ble Supreme Court of India and the SLP preferred by the State has been dismissed on 29.07.2026. The petitioner even otherwise is also entitled to the relief of considering him as regular appointee from the initial date of appointment since the respondents in respect of other persons, who were also appointed alongwith him, after the recommendations made by the Himachal Pradesh Subordinate Services Selection, Board by common office order dated 10.11.2010 (Annexure A-1, page 148), as evident from perusal of the office order dated 10.09.2025, passed by Director of Higher Education, Himachal Pradesh, Shimla-1 (Annexure A-3, page 155).

13. The learned Additional Advocate General has also laid emphasis on the judgment passed by the Hon'ble Supreme Court in ***Surjit Singh's*** case (supra) to contend that the principle of 'equal pay for equal work' has no mechanical application in every case and

Article 14 of the Constitution of India permits reasonable classification based on qualities or characteristics of persons grouped together. However, the ratio laid down in the said judgment is not attracted to the facts of the present case for the reason that the respondents themselves have now issued the office order dated 10.09.2025, whereby they have considered the persons, who were appointed alongwith the petitioner as regular employees of the State in the pay scale of Rs.10300-34,800+Rs.4200 Grade Pay plus allowances as admissible from time to time from the date when they were initially appointed or recruited on contract basis with all consequential benefits. In case the submission made by the learned Additional Advocate General is accepted on the basis of the law laid down above, it would be total infraction of Article 14 of the Constitution of India for the reason that the petitioner, who was also appointed after undergoing the same process, would be denied emoluments on the strength of the Notification dated 27.09.2012, on which the respondents have laid much emphasis by filing the reply. Thus, the petitioner is also entitled to the similar relief as has been extended by the respondents to the other counterparts who were also appointed by the common office order dated 10.11.2010.

14. Consequently, the present petition is allowed and the respondents are directed to consider the petitioner as regular

employee of the State in the pay scale of Rs.10300-34800+Rs.4200 Grade Pay plus allowances as admissible from time to time, from the date when he was initially appointed or recruited on contract basis with all consequential benefits. The respondents are directed to pay the arrears to the petitioner within six months from today. In case the arrears are not paid to the petitioner within the aforesaid period, the respondents shall pay interest @ 6% per annum from today till its payment. No order as to costs. Pending applications, if any, also stand disposed of.

10th September, 2026
(naveen)

(Jiya Lal Bhardwaj)
Judge