

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.1939 of 2019
Decided on: 28.09.2026

Devi Ram

...Petitioner

Versus

State of HP and another

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioner: Mr. Prantap Sharma, Advocate.

For the respondents: Mr. R.P. Singh, Deputy Advocate
General.

Jiya Lal Bhardwaj, Judge (Oral)

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

- “(i). That a writ in the nature of certiorari may kindly be issued and Annexure P-7 dated 17.10.2010 may kindly be quashed and set aside.
- (ii). That a writ in the nature of mandamus may kindly be issued directing the respondents to count the services of the petitioner for the period he rendered, i.e. 8.9.87 to 24.3.1994 for the purpose of increment benefits also, with all consequential benefits.”

2. Shorn of unnecessary details, the key facts of the case are that the petitioner was initially appointed as Junior

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

Basic Teacher (in short 'JBT') on 15.05.1982 in the respondents-Department, where he joined his services on 24.05.1982 and continuously discharged the functions as such till September, 1987. Thereafter, he was appointed as Language Teacher (in short 'LT'), against which post he continued to work till 24.03.1994. Later on, the petitioner was appointed to the post of Oriental Teacher (Shastri), as per office order dated 11.03.1994 (Annexure P-2) and his services were regularized as office order dated 07.09.1997 and he continued to work as Oriental Teacher till his superannuation.

3. The petitioner had earlier approached this Court by way of CWP No.10673 of 2011-H, titled, ***Devi Ram vs. State of Himachal Pradesh and others***, claiming therein that since he was appointed on adhoc basis as JBT and thereafter appointed as Oriental Teacher (in short 'OT') on tenure basis, the period of service rendered by him as JBT be counted as qualifying service for the purpose of pension and increments, in view of the judgment passed by this Court in CWP No.4550 of 2010, titled, ***Ravi Kumar vs. State of HP & Ors***. This Court had given direction to the respondents to consider the claim of the petitioner within a

period of four months from the date of production of copy of the judgment along with a copy of the writ petition. In sequel to the direction given by this Court, an office order dated 12.03.2012 (Annexure P-4) was passed by the Deputy Director of Elementary Education, Bilaspur, Distt. Bilaspur, H.P., holding that as per the judgment passed in CWP(T) No.7712 of 2008, titled, **Paras Ram vs. State of HP** on 19.05.2009 and judgment in CWP No.10673 of 2011-H, titled, **Devi Ram vs. State of Himachal Pradesh and others**, on 12.12.2011, adhoc service rendered without break followed by regular appointment w.e.f. 24.05.1982 to 07.09.1987 as JBT and the adhoc period w.e.f. 08.09.1987 to 24.03.1994 as LT, is counted for pension only. It was further held that the adhoc service rendered w.e.f. 25.03.1994 to 24.03.1997 as OT is allowed to count for the purpose of both increments and pension.

4. The petitioner feeling aggrieved by the said decision had approached this Court by way of **CWPs No.3933 of 2012-D**, claiming therein that the issue with regard to the benefit of adhoc service followed by regular service for the purpose of pension and increment has already been adjudicated by this Court in LPA No.36 of 2010,

titled, ***Sita Ram vs. State of HP & Ors.*** and her case is also covered by the same. His petition was disposed of on 13.06.2012, directing the respondents to examine the matter in light of the judgment referred to above and take appropriate action thereon within a period of four months from the date of production of copy of the judgment along with copy of the writ petition. Thereafter, the petitioner preferred a Civil Review No.144 of 2012, titled, ***Devi Ram vs. State of HP and others***, and the same was disposed of on 31.07.2012, whereby it was ordered that since the claim of the petitioner is for tenure appointment, the same shall be considered in light of the judgment rendered by this Court in ***Ravi Kumar's*** case (supra).

5. After passing the aforesaid order by this Court, the respondents-Department had considered the claim of the petitioner, but declined the benefit of annual increments to him for the period prior to his appointment on the post of OT.

6. The petitioner feeling aggrieved by the rejection of his claim has approached this Court *inter alia* on the grounds that the respondents were not directed to consider the claim of the petitioner in respect of the annual

increments from the date of regularization and his claim was with respect of inclusion of tenure service rendered by him from 08.09.1987 to 24.03.1994 as LT and thus prayed for quashing the said rejection order and also sought direction to the respondents to count the service rendered by him w.e.f. 08.09.1987 to 24.03.1994 for the purpose of increment benefits and also consequential benefits.

7. The respondents filed reply to the petition and in preliminary submissions averred that the petitioner had earlier filed CWP No.10673 of 2011, whereby he sought the service rendered by him on adhoc/tenure basis w.e.f. 24.05.1982 to 25.03.1997 be counted for the purpose of annual increments and pension and this Court, vide order dated 12.12.2011, had given directions to consider his claim in view of the judgment passed in **Ravi Kumar's** case (supra). In compliance with the direction given by this Court, the services rendered by the petitioner on adhoc basis as JBT w.e.f. 24.05.1982 to 07.09.1987 and as LT on adhoc/tenure basis w.e.f. 08.09.1987 to 24.03.1994 have been counted for the purpose of pensionary benefits, whereas the services rendered by him as OT on adhoc basis w.e.f. 25.03.1994 up to his regularization on the post of OT

on 24.03.1997 was counted for the purpose of increments and pensionary benefits. The petitioner feeling aggrieved by non-counting of the service rendered on adhoc/tenure basis as OT w.e.f. 08.09.1987 to 24.03.1994 for the purpose of annual increments, had filed CWP No.3933 of 2012, which was decided by this Court on 13.06.2012, directing the respondents to examine his case. The petitioner thereafter had filed a review petition before this Court, which was registered Civil Review No.144 of 2012 and the same was decided on 31.07.2012, with a direction that his case would not be considered in light of the judgment in **Sita Ram's** case (supra) but shall be considered in light of the judgment rendered in **Ravi Kumar's** case (supra).

8. It has also been averred that this Court in CWP No.10529 of 2011, decided on 07.12.2011, titled, **Yudhishther Kumar Sharma vs. State of H.P. and another** had passed the order and as per the order, it was held that as far as the period of service rendered as JBT, is concerned, that period will be counted for the purpose of pension as per Rule 13 of the Pension Rules and in case the adhoc/tenure period on the post of Shastri, is concerned, in case the same is followed by regular appointment, that

period shall be counted for the purpose of increments and pension.

9. In compliance with the view taken in the aforesaid judgment and in compliance with the direction given by this Court in the case of the petitioner, the adhoc service rendered by the petitioner as JBT (without break w.e.f. 24.05.1982 to 07.09.1987) and as LT w.e.f. 08.09.1987 to 24.03.1994 has been counted as qualifying service for the purpose of pension and adhoc services rendered as OT w.e.f. 25.03.1994 to 24.03.1997 have been counted for the purpose of increments and pension as well. The claim of the petitioner to count the services rendered by him on adhoc/tenure basis as LT w.e.f. 08.09.1987 to 24.03.1994 for the purpose of increments is not justified and the writ petition filed by the petitioner deserves to be dismissed, being devoid of any merit.

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

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

12. It is not in dispute that the petitioner was initially appointed as JBT on adhoc/tenure basis, who was otherwise

qualified to be appointed as Shastri. He had joined his duties as JBT on 24.05.1982 and continued to discharge the same till 07.09.1987. Thereafter he was appointed as LT and served w.e.f. 08.09.1987 to 24.03.1994. Later on, the petitioner was appointed as OT, as per office order dated 11.03.1994 (Annexure P-2), consequent upon his selection in the interview and in sequel to the said office order, he had joined his duties on the post of OT on 25.03.1994 on adhoc basis and later on his services were regularized on the post of OT on 24.03.1997. The period of service rendered by the petitioner w.e.f. 24.05.1982 till 24.03.1994, when he has served in two spells on the post of JBT and LT on adhoc/tenure basis, has been counted only for the purpose of pensionary benefits and the period of service rendered by him on the post of OT with effect from 25.03.1994 till 24.03.1997 and thereafter till the date of his superannuation has been counted both for the purpose of increments and pensionary benefits.

13. Learned counsel for the petitioner has vehemently argued that as per the judgment passed by the Division Bench of this Court in **Ravi Kumar's** case (supra), the petitioner is entitled to count the entire service rendered

by him on the post of JBT and LT. However, if the said judgment is perused, this Court had come to the conclusion that as far as tenure service is concerned, the said expression is used as synonymous to adhoc, just as an adhoc appointee, who is put on running grade, tenure appointee is also on running grade and, therefore, there is no point in taking a different stand in the case of tenure appointee. The Division Bench has not returned the findings that if an employee has served on different posts, the entire service rendered by him on different posts has to be counted for the purpose of increments too.

14. In the present case, the petitioner admittedly has served prior to his appointment as OT, on the posts of JBT and LT and the said period cannot be counted for the purpose of increments in view of the judgment passed by Division Bench of this Court in ***Youdhishther Kumar Sharma's*** case (supra), wherein it has been held that contract service on different posts, can only be counted for the purpose of pension, but not for annual increments. Once the Division Bench of this Court has already held that if an employee has served on different posts, but his services have been regularized or he is appointed as regular on some

other post, he is entitled for counting of the said adhoc/tenure/temporary service only for the purpose of pension, but not for annual increments and thus, no illegality has been committed by the respondents while rejecting the claim of the petitioner by excluding the period of service rendered by him before his appointment as OT for the purpose of increments.

15. Consequently, I do not find any merit in the present petition and the same is accordingly dismissed. No order as to costs. Pending applications, if any, also stand disposed of.

28th September, 2026

(Anurag)

**(Jiya Lal Bhardwaj)
Judge**