

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.10482 of 2025

Decided on: 30.09.2026

Nisha Kumari	... Petitioner
Versus	
State of Himachal Pradesh and others	... Respondents

Coram

Hon’ble Mr. Justice Ajay Mohan Goel, Judge.

Hon’ble Mr. Justice Yogesh Jaswal, Judge.

Whether approved for reporting?¹

For the petitioner:	Mr. Ajay Thakur, Advocate, for petitioner No.1. Names of petitioners No.2 to 6 stand deleted, vide order dated 01.07.2025.
For the respondents:	Mr. Ramakant Sharma, Additional Advocate General.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has, *inter alia*,
prayed for the following reliefs:-

“i) *That appropriate writ in the nature of certiorari or any other appropriate writ orders or directions may very kindly be issued for quashing and setting aside Central Civil Services (Leave) Himachal Pradesh Amendment Rules, 2024 qua Petitioners as they are illegal discriminatory and violation of Articles 14 & 21 of the Constitution of India. Petitioners may very kindly be released full monthly salaries which they were drawing prior to joining of Two years Post Basic BSc. Nursing Degree Course as study leave salary instead of reduced 40% of their actual monthly salary in the interest of Law, justice and fair play. Petitioners may very kindly be released arrears of pay of deducted salaries i.e., 60% monthly salary with interest to the tune of 6% per annum*

¹ Whether reporters of the local papers may be allowed to see the judgment?

till realization without further delay. Study Leave benefits given to the worthy Doctors of the Respondent department mutatis-mutandis extended to the Petitioners for all intends & purposes without any discrimination.

ii). That appropriate writ in the nature of mandamus or any other appropriate writ orders or directions may very kindly be issued to the respondents directing them decide representation sent by Petitioners in time bound manner with speaking order.

iii). That appropriate order or direction may very kindly be issued to the respondents directing them to grant Petitioners arrears of pay on notional basis from due date i.e. from the day they started deducting their salaries with interest to the tune of 6% per annum till realization.

iv). That writ in the nature of certiorari may very kindly be issued to the respondents directing them to produce entire record of the case for kind perusal of. Hon'ble Court."

2. Today, learned Additional Advocate General has handed over Instructions received from the Director (Health Services), to the Himachal Pradesh, dated 29.09.2026, in terms whereof, the State Government has notified the Central Civil Services (Leave) Himachal Pradesh Amendment Rules 2026, which have come into force with effect from 07.08.2024 and in terms whereof, Rule-56 of the Central Civil Services (Leave) Rules, 1972, in their application to the State of Himachal Pradesh stands substituted and in terms of the substituted provision, during study leave in India, a Government servant shall draw leave salary equal to the pay that the Government servant drew while on duty with Government immediate before

preceeding on such leave.

3. In light of this fact, as grievance of the petitioner stands redressed, this petition is disposed of with the direction that the benefit of the said amendment be also conferred upon the petitioner from due date, that is to say, if the petitioner went on study leave after the amendment came into force, then the petitioner be paid salary equal to the pay that the petitioner was drawing before going on leave and in case the petitioner had gone on leave before the amendment came into force, then the petitioner shall be given the benefit of the amended Rule as from the date when the amended Rule came into force. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 30, 2026
(Rishi)