

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CWP No. 7575 of 2023**

**Decided on: 18.08.2026**

---

Sh. Hari Ram

.....Petitioner

**Versus**

State of Himachal Pradesh and others

... Respondents

---

***Coram***

***Hon'ble Mr. Justice Ajay Mohan Goel, Judge.***

**Whether approved for reporting?<sup>1</sup>**

---

For the petitioners : Mr. Shivom Vashista, Advocate.

For the respondents : Mr. Pushpender Jaswal, Additional  
Advocate General.

---

**Ajay Mohan Goel, Judge** *(Oral)*

The petitioner herein is a Head Teacher, serving at GPS Khudla, Education Block Gopalpur, District Mandi, H.P. He was initially recruited as JBT Teacher and subsequently stand promoted as Head Teacher as per averments made in the petition. His grievance is that the respondents-State started effecting recoveries from his pay without issuance of any Show Cause Notice etc. It is in this backdrop, that the petitioner has approached this Court with the prayer that the respondents be restrained from effecting recoveries from his wages, more so in light of the fact that he is serving as a Class-III employee and recovery from Class-III employees has been held to be impermissible in law by the Hon'ble Supreme Court.

2. On the other hand, the stand of the State is that as the

---

<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment?

petitioner has been paid the pay scale higher than the one to which he was entitled for and it is in this backdrop that recoveries are being effected. Learned Advocate General referred to the reply filed to the petition and submitted that the petitioner was not promoted as Head Teacher, but were simply placed as Head Teachers from the post of JBT Teachers and, therefore, they was not entitled for the higher pay scale which erroneously stood granted to him and it is for this reason that now recoveries are being effected.

3. I have heard learned Counsel for the parties and have also carefully gone through the pleadings as well as documents appended therewith.

4. It is not in dispute that the petitioner is a Class-III employee, presently serving as Head Teacher. It is also not in dispute that the recoveries which are being effected by the Department are on the ground that the petitioner after being placed as Head Teacher has been granted a higher pay scale to which he was otherwise legally not entitled to.

5. Fact of the matter is that the petitioner happens to be a Class-III employee. It is also a matter of record that higher pay scale, if any, granted to the petitioner was granted by the Department and the petitioner had no role in the conferment of the said higher pay scale.

6. Hon'ble Supreme Court of India, in State of Punjab and

others Versus Rafiq Masih (White Washer) and others, AIR 2015 SC 696, has been pleased to cull out certain situations in which recovery is impermissible and one of the situations culled out by the Hon'ble Supreme Court is recovery from Class-III and Class-IV employees.

7. In light of the fact that the petitioner happens to be a Class-III employee, recovery from them is impermissible in law in light of the above pronouncement by the Hon'ble Supreme Court of India.

8. Therefore, as the act of the respondent-Department of effecting recoveries from the petitioner does violence to the law declared by the Hon'ble Supreme Court of India, this petition is allowed and disposed of with the direction that no recoveries shall be effected from the petitioner by the Department on the ground that higher pay scale stood conferred upon him. The amount recovered from the petitioner, if any, till date shall be refunded back to him within three months from today.

9. However, it is clarified that this Court has not made any observation with regard to the conferment of higher pay scale to the petitioner erroneously and if that is the case, the Department is at liberty to proceed in the matter in accordance with law, but the only caveat is that recoveries will not be made from the petitioner in any situation whatsoever and rectification can be made prospectively.

10. At this stage, learned Counsel for the petitioner submits that the petitioner be given liberty to agitate the issue of Fundamental Rules-22 independently, if so advised. Liberty granted.

The petition stands disposed of in above terms. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

**(Ajay Mohan Goel)**  
**Judge**

August 18, 2026  
**(narender)**