

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CMP(M) No.2079 of 2025 a/w****CMP(M) Nos.316, 1047 & 1056 of 2026****Date of Decision: 10.08.2026****1. CMP(M) No.2079 of 2025**

State of Himachal Pradesh and others

..... Applicants

Versus

Sanjeev Kumar and another

..... Respondents

2. CMP(M) No.316 of 2026

State of Himachal Pradesh and others

..... Applicants

Versus

Narsi and another

..... Respondents

3. CMP(M) No.1047 of 2026

State of Himachal Pradesh and others

..... Applicants

Versus

Pawna Kumari and another

..... Respondents

4. CMP(M) No.1056 of 2026

State of Himachal Pradesh and others

..... Applicants

Versus

Aruna Sharma and another

..... Respondents

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The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.**The Hon'ble Mr. Justice Bipin C. Negi, Judge.**Whether approved for reporting?¹**For the applicants** : Mr. Gobind Korla, Additional Advocate General.**For the respondents** : Ms. Archana Dutt, Advocate, for respondent No.1 in CMP(M) Nos.316 & 1047 of 2026.
Mr. Varun Rana, Advocate, for respondent No.2 in CMP(M) Nos.316 & 1047 of 2026.**G.S. Sandhawalia, Chief Justice (oral)**

By way of the present applications, review is sought of the judgment passed in **CWPOA No.6268/2020**, titled, **Sanjeev Kumar Vs. State H.P. and others**, decided on

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

06.09.2024, by the State. Firstly, the review application is barred by 266 days.

2. When the matter first came up on 31.12.2025, it was noticed by us that the order, of which review is sought had decided three more cases and the State was directed to seek necessary instructions, whether the review had been filed in the other cases. The State on 25.03.2026 had placed on record the receipts of e-filing in the other cases, and resultantly the review petitions had also been filed in the other cases also, which were barred by over a year and 117 to 123 days respectively. The review petitions in other three cases were only filed on 20.02.2026 and 22.06.2026, in pursuance of our observations.

3. Counsel for the State submitted that there was a proposal apparently for filing review petitions in all the four cases since the order was passed only in one case, however, initially only one review petition was filed. While referring to communication dated 21.04.2025 (Annexure P-4), a letter from The Principal Secretary(UD) to the Govt. of HP, addressed to the Director of Urban Development, H.P. Palika Bhawan, Talland, Shimla, he further submitted that the ground made out in the first review petition, for condoning the delay is that against the judgment dated 06.09.2024, the implementation had become

difficult because the pay re-revision Government Notifications dated 24.09.2012 and 27.09.2012 were only issued in favour of 22 categories as detailed in the Notification of Clerks, however, the pay scales of some categories including the Community Organizers, who were the petitioners, had not been re-revised by the Government for the said employees. It is thus submitted that it is not a general review of pay scales as it had already taken place on 01.01.2006, and the re-revision was only the prerogative of the State.

4. A perusal of the grounds for review would also go on to show that after the judgment was passed on 06.09.2024, advice had been obtained from the learned Additional Advocate General, who had advised to file an SLP. One of the grounds on which the petition was allowed was that the similarly situated officials of the Municipal Council Sarkaghat had been granted the benefits. Resultantly, information had been sought by the State as to whether the Community Organizers were granted the pay scale equivalent to that of Clerk and how same had been done contrary to the pay scale issued by the Finance Department and whether it had been withdrawn or not. In such circumstances, it has further been pleaded that the said benefit had been withdrawn on 01.12.2020.

5. A perusal of Annexure P-3(Colly) would go on to show that there is a reference to the letter dated 22.01.2025, whereby this action of the withdrawal was taken, which is apparently post the decision dated 06.09.2024, which is sought to be reviewed. It has also come on record that after the decision, the State as such started taking action. In pursuance of the letter dated 22.01.2025 or 03.02.2025, the Municipal Council, Sagrkaghat had withdrawn the revised pay scale w.e.f. 01.12.2025.

6. Similarly a perusal of the communication dated 20.12.2024 (Annexure P-2 Colly) would go on to show that the Principal Secretary (UD) to the Govt. of H.P., had written a letter to the Director of Urban Development H.P. Palika Bhawan, Talland, Shimla. While dealing with the order passed, it was stated there was no denial of the revision of pay scale to the Community Organizer at Sarkaghat and nor any explanation has been given to justify the discriminatory action and explanation was sought as to how the pay scale equivalent to the Clerk had been granted, contrary to the pay scale issued by the Finance Department.

7. The said communication was then followed up on 10.01.2025 (Annexure P-2 Colly), again asking for an explanation

as to how the pay scale equivalent to that of Clerk had been granted, contrary to the order passed on 20.02.2024. A perusal of the letter dated 22.01.2025, which is also on record, would go on to show that the Additional Director, Urban Development, had issued letters to the Executive Officer, Municipal Council, Sarkaghat, District Mandi, H.P. on the ground how the Community Organizers working in the MCA Sarkaghat had been granted the pay scale equivalent to the pay of Clerk and whether it was withdrawn or not.

8. Thus, all this would go on to show that after the judgment was passed, the State Government swung into action and we are of the considered opinion that for the purpose of the review, this exercise cannot be permitted and it is not a ground to review the judgment in question.

9. It is to be noticed that the issue before the Bench had passed the order was only simplicitor as to whether the Community Organizers were to be treated on par with the Clerks and granted the same pay scales as on an earlier occasion apparently they had been granted the benefit. The Bench had noticed that the post of the Community Organizers exists in the Municipal Cadre, but Recruitment and Promotion Rules for that category had not been framed. Thus, in such circumstances, it

was held that there is no valid and plausible reason as to how the Community Organizers have been left out for the revision of the pay and the comparison as such for the equality part with Sarkaghat was one of the grounds. In sum and substance, the principle was that there is no quantifiable data to show any substantial disparity in the job profiles and once the pay scale has been equalized, the benefit necessary had to flow as per the Clerk's scale. Resultantly, permission was given for revision to the extent of the Clerks in terms of the notification dated 27.09.2012 and in the next revision, if allowed, to the Clerks on 1.1.2016.

10. The petition had initially been filed before the Erstwhile H.P. State Administrative Tribunal by way of OA No.182 of 2018, which was subsequently registered by this Court as CWPOA No.6268 of 2020.

11. Reply was filed on behalf of respondents No.1 to 3 through the Director of Urban Development. A perusal of the same would go on to show that there is no denial that the benefit of revised pay was granted to the Clerks and the Community Organizers and there is an admission that the revised pay scale was released to the MC Employees on 01.01.2006 vide Government order dated 19.12.2009. The only defence is that in the year 2012, the pay scale of some of the categories including

Community Organizers, had not been re-revised by the Government. It has further been admitted as far as the parity of the pay scale between the two posts is concerned, as submitted in the para 4 of the preliminary submission but it might not be a strait jacket formula for equating posts, in sum and substance as pleaded in Para 4 of the preliminary submission of the written statement and it was mentioned that re-revision has been allowed in respect of various categories and most of the orders have been issued on the basis of recommendations of a Cabinet Sub Committee and it is an exercise of the powers conferred by the proviso to Article 309.

12. It was thus the plea that it was not a wholesome parity in the common category/post of Clerk and the post of Community Organizers. Thus, it would be apparently clear that in the reply, there is no such stand taken by the State that the revision as such of the pay of the Community Organizers or the equivalence of the pay scales to the post of Clerks, was wrong in any manner and now after the decision the benefit, which had been granted in the year 2006 is now been questioned as to how the Community Organizers had got the same pay scales as the Clerks.

13. In these circumstances, the matter was decided on the basis of material, which was already placed on record, it is not in the purview of the review jurisdiction, as such, for the State to take a fresh stand by placing documents on record, which had been decided on the basis of the reply filed through the Director of Urban Development. Thus, the State is bound by its own stand taken and now cannot turn around to contend to the contrary.

14. In such circumstances, we do not find any plausible reason either to condone the delay at this belated stage in filing of the review petitions and in view of the said observations, there is no plausible reason to interfere with the order passed by the Co-ordinate Bench.

15. Thus, there is no ground to review the order dated 06.09.2024. Resultantly, the delay applications and the review applications are dismissed.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

August 10, 2026 (Kiran)