

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.572 of 2026
Decided on : 07.10.2026

Bali Ram ...Appellant

Versus

State of HP and Ors. ...Respondents.

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the appellant : M/s Arun Kumar and Lokendar Paul
Thakur, Advocates.

G.S. Sandhawalia, Chief Justice (Oral)

The present Letters Patent Appeal is directed against the judgment passed by the learned Single Judge in ***Civil Writ Petition(OA) No.4473 of 2019, titled Bali Ram Vs. State of HP and Others***, which was dismissed on 17.07.2026.

2. Resultantly, the appellant's challenge to the order dated 26th of December, 2012 (Annexure P-4), and his prayer for making correction in the pay by removing the alleged anomaly and for grant of revision of pay scale from time to time, was rejected.

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

3. The case of the petitioner was that one Krishnu Ram, who had joined along with him on the same post and cadre, was drawing a higher pension of Rs.12,000/- per month, he being junior to him, whereas the petitioner was only receiving a pension of Rs.10,363/-. Therefore, a cause of action had arisen as such.

4. The learned Single Judge found from a perusal of the record that apparently the petitioner had not approached the Court with clean hands and had not disclosed that an earlier order dated 09.03.1994 had been passed, which had been placed on record by the respondents along with a supplementary affidavit as Annexure R-2/I. The said order clearly showed that the claim raised by the petitioner had already been rejected, decades earlier.

5. The learned Single Judge thus came to the conclusion that the order dated 26.12.2012 (Annexure R-2/2) had only been passed on account of a direction obtained from this Court by filing Civil Writ Petition bearing No.3898 of 2012, in which an innocuous prayer had been made for the said benefit, for removal of pay anomaly and directions were obtained on 24th of May, 2012 to look into Annexure P-3 after

affording an opportunity of hearing and to take appropriate action.

6. The learned Single Judge thus came to the conclusion that the Court had not been apprised that the claim had already been rejected way back in the year 1994, and this Court would not have issued directions to the State to decide the representation once the claim had already been rejected. Even otherwise, the learned Single Judge came to the conclusion that without assailing the order passed on 09.03.1994, the relief could not be granted. However, the learned Single Judge refrained from imposing any costs on that account as the petitioner stood retired.

7. Learned Counsel for the appellant has tried to convince us by referring to the order dated 09.03.1994 to contend that the matter had been referred by the Divisional Commissioner, Mandi Division, to the Director of Land Records and Consolidation Department, who was the competent authority in the matter. We are not convinced with this argument.

8. A perusal of the order dated 26.12.2012, the subject matter of challenge, also would go on to show that

extensive reference was made to the earlier order dated 09.03.1994. Therein, detailed reasoning had been given as to how the appellant was not eligible for the said benefits, as he had left his previous service in the Consolidation Department and joined under a fresh appointment and, therefore, his seniority had only been counted from 14.06.1988. The two departments as such were distinct, and the Consolidation Department was separate cadre.

9. The said decision had been taken at that point of time also after hearing the appellant. It had specifically been recorded that the pay had been correctly fixed in the pay scale of Rs.950–1800/- with pay protection under FR 22, and annual increments had also been regularly granted in the said scale. He was held not to be eligible for the senior pay scale of ₹1350–2400 because even as on that date, 28 Patwaris were senior to him, and were not eligible for the senior pay scale, and his claim would arise only upon his turn in seniority.

10. It is apparent that it is only on account of superannuation on 31.08.2008 that the cause of action is alleged to have arisen. Thereafter, the appellant approached this Court and got directions for deciding the representation,

apparently without bringing to the notice of the Coordinate Bench that the order of 1994 had been passed. Neither any challenge was raised to the said order, which led to directions being sought for deciding the representation.

11. The Apex Court has already adversely commented upon the methodology so adopted for deciding representations on account of the fact that limitation is extended and dead, stale matters are revived. Reference can be made to the judgment passed by the Apex Court in ***C. Jacob v. Director of Geology and Mining & Another, (2008) 10 SCC 115.***

12. Once the discretionary jurisdiction of this Court had been invoked by concealing this fact not once, but twice, firstly in the earlier round of litigation in CWP No.3898 of 2012, and then when the original writ petition, ***CWP No.4948 of 2013, titled Bali Ram Vs. State of HP and Ors.,*** was filed (which was subsequently transferred to the H.P. Administrative Tribunal and re-transferred back upon its abolition) and was decided on 17.07.2026, we are of the considered opinion that the learned Single Judge was fully justified in dismissing the CWP(OA).

13. Thus, for the aforesaid reasons, we are of the considered opinion that the present appeal is bereft of merit, therefore, the same is dismissed accordingly. Pending applications, if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

07th October, 2026
(Gaurav Rawat)