IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 17699/2026
Decided on: 08.10.2026

Dinesh Kumar …Petitioner

Versus

State of H.P. & Ors. ….Respondents.

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Coram
Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioner: **Mr. Aman Thakur, Advocate.**

For the respondents: **Ms. Menka Raj Chauhan Deputy Advocate General.**

Jyotsna Rewal Dua, J

Notice. Ms. Menka Raj Chauhan, learned Deputy Advocate General, accepts notice on behalf of the respondents.

Considering the grievance of the petitioner, the order impugned herein, documents placed on record and the reliance placed by the petitioner upon certain decisions, as also the nature of the order being passed hereinafter, there is no necessity to call for the reply. The matter has accordingly been heard at this stage.

2. The petitioner preferred a representation for revising his pay fixation by removing the anomaly existing in his pay scale vis-a-vis the scale enjoyed by his junior Officers. The said representation was rejected by the respondents on 13.07.2026 (Annexure P-4).

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[1] *Whether reporters of the local papers may be allowed to see the judgment? yes*

While rejecting petitioner's prayer for removal of pay anomaly, in the representation dated 18.06.2026 (Annexure P-3), the respondents have observed that junior officers had been granted the benefit of one increment on completion of nine years of regular service in the same rank; The anomaly in petitioner's pay had arisen due to Assured Career Progression Scheme (ACPS) on completion of 4, 9 and 14 years of service in a cadre. The impugned decision also relies upon certain departmental notifications/clarifications/instructions, to the effect that senior employee shall have no claim for parity of pay on the ground that a junior employee working on the same post has been granted higher pay or grade pay under the ACPS.

Learned counsel for the petitioner submits that the reasons assigned by the respondents while rejecting petitioner's prayer for removal of pay anomaly were also involved in ***Dinesh Kumar & Ors. vs. State of H.P. & Ors.***[2] wherein similar grievance as raised by the present petitioner was redressed and the writ petition preferred by the petitioner therein was allowed; The respondents were directed to step up the pay of the petitioner therein to make it at par with that of his juniors. Learned counsel further submits that the petitioner would be satisfied in case the respondents are directed to consider his case afresh, in accordance with law, keeping in view *Dinesh Kumar*[2].

[2] CWP No. 1747/2023 decided on 09.10.2023

4. Having regard to the aforesaid submissions, but without examining the merits of the matter, notwithstanding the order dated 13.07.2026 (Annexure P-4), the present writ petition is disposed of by directing respondent No. 2/competent authority to consider the case of the petitioner afresh, in accordance with law and keeping in view the aforesaid judgment, within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioner. Pending applications, if any, also stand disposed of

Jyotsna Rewal Dua
Judge

08th October, 2026(rohit)