

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

FAO(OS) No.21 of 2026

Decided on : 05.10.2026

State of HP and Ors.

...Appellants

Versus

Ranjeet Singh

...Respondent.

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(s) : Mr. Anup Rattan, Advocate General with
Mr. Rakesh Dhaulta, Additional Advocate
General and Ms. Swati Draik, Dy.
Advocate General.

For the respondent : Mr. Mohit Thakur, Advocate.

G.S. Sandhawalia, Chief Justice (Oral)

The present appeal is directed against the order dated 07.07.2026 passed in Execution Petition No.351 of 2026, titled Ranjeet Singh Vs. State of HP and Ors., wherein directions were issued by the learned Single Judge to the appellants/respondents for compliance of the judgment in letter and spirit in three weeks, which had been passed in CWP No.6617 of 2023, decided on 03.12.2025.

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

2. That learned Single Judge was of the considered opinion that on an earlier occasion, in the above said case, directions were issued to decide the representation of the petitioner-respondent herein afresh after quashing the rejection order dated 18.04.2023, specially keeping in view the judgment rendered in *CWP No.1747 of 2023*, titled *Dinesh Kumar and Ors. Vs. State of HP and Ors.*, dated 09.10.2023.

3. The learned Single Judge also took into consideration that a fresh order dated 19.06.2026 came to be passed by the Director General of Police, rejecting the representation of the respondent. In the execution proceedings, the learned Single Judge was of the view that the rejection was unjustified, relying upon the judgment of the Hon'ble Supreme Court in ***Union of India and others vs. C.R. Madhava Murthy and another, (2022) 6 SCC 183***, which had already considered the issue, and which judgment had also been relied upon earlier by the learned Single Judge in ***Dinesh Kumar's*** case.

4. The argument raised by the State that there was a distinction in the matter of pay and the junior official as such

was getting higher pay on account of the ACPs benefits, was rejected.

5. Learned Advocate General for the appellant-State pointed out that in ***Dinesh Kumar's*** case (supra), the petitioner therein was appointed as a Constable in the year 2008, whereas the comparable person Hemant Kumar was appointed in the year 2009 and was junior to him. In such circumstances, the benefit had been granted in ***Dinesh Kumar's*** case. It is pointed out from the comparative statement of the Chart (Annexure A-3), that in the present case parity was sought with SI Kishan Chand. Both the respondent and the official with whom parity is claimed, were appointed on the very same date, i.e. on 22.12.1986.

6. In such circumstances, it is submitted that the effect of Assured Career Progression (ACP) Scheme, dated 09.08.2012 (Annexure A6) was not taken into consideration, which specifically stipulates that progression granted under the scheme is purely personal to the employee concerned and had no relevance to seniority position, and a senior employee would have no claim of parity and stepping up of pay as such would not be permissible with regard to the junior getting

more pay than the senior on account of pay fixation under the scheme. But there is no challenge raised to the said Scheme and therefore, once a decision is taken by the competent Authority on 19.06.2026, the only remedy as such, would be to challenge the said order by taking appropriate proceedings rather than pressing the same in the execution petition.

7. In such circumstances, we are of the considered opinion that writ petitioner's remedy as such would not lie before the executing Court, as directions were issued for reconsideration and the needful has been done by passing the appropriate order.

8. At this stage, learned Counsel appearing for the respondent submits that he does not wish to press Execution Petition No.351 of 2026 and seeks leave to withdraw the same, with liberty reserved to the respondent to challenge the rejection order dated 19.06.2026 by instituting appropriate substantive writ proceedings.

9. Keeping in view the fair stance taken by the learned Counsel for the respondent, we are of the considered opinion that in such circumstances, the appeal can be disposed of on the undertaking given that the Execution Petition No.

351 of 2023 would be rendered infructuous and in view of the order already passed and with liberty reserved to the respondent to challenge the order dated 19.06.2026 in a comprehensive manner, in accordance with law.

10. Needless to say, keeping in view the above, whatever we have observed above, would be tentative as such, and it will be open to the employee as such, to take up all relevant pleas in the fresh round of litigation.

11. Accordingly, the present appeal stands disposed of, so also the pending applications, if any.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

05TH October, 2026
(Gaurav Rawat)