IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 2676 of 2024

Decided on: 01.04.2024

Dr.Kanwarjeet Singh Malhotra. ....Petitioner..

Versus

State of H.P. and Ors. ...Respondents.

Coram

The Hon'ble Mr. Justice Satyen Vaidya, Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. Parkash Sharma, Advocate.

For the respondents : Mr. Y.P.S. Dhaulta, Additional Advocate General.

Satyen Vaidya, Judge *(Oral)*

The petitioner has retired from the post of M.S. from Zonal Hospital, Mandi, H.P. He has approached this Court, by way of present petition filed under Art. 226 of the Constitution of India, praying therein for the following main relief(s):

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

> *"(i) That the respondents may kindly be directed to release the remaining amount of arrears of pay and pension at Annexure P-1 which became due as a result of revision of pay scales w.e.f. 1.1.2016 at once in one installment alongwith interest there on @ 9% from the date it became due till the amount is actually paid.*
>
> *(ii) The respondents may also be directed to release the amount of leave encashment and differential amount of Gratuity at Annexure P-2 and P-4 immediately in one installment alongwith interest @ 9% .*

2. Subsequent to their retirement/ superannuation office order was issued revising the petitioner's pay scale with effect from 01.01.2016, in pursuance to Himachal Pradesh Civil Service (Revised Pay) Rules, 2022, notified by the Department of Finance (Pay Revision), Government of Himachal Pradesh, vide notification dated 03.01.2022, circulated vide the Head Office Memorandum dated 21.06.2022. Consequently, the petitioner became entitled to get arrears of revised pay with effect from 01.01.2016 to 30.4.2019, but the same, according to the petitioner, has not been paid to him till date. This fact has not been disputed by Counsel for the respondents.

3. That apart, pension, gratuity, leave encashment and commutation of pension benefits payable to the petitioner are also required to be revised as per office memorandum dated 25.02.2022 issued by the Finance Department for revising the pension, gratuity, leave encashment and commutation of pension of the retired employees after 01.01.2016. The petitioner alleges that this has also not been done.

4. However, learned Counsel for the petitioner has also placed reliance on order dated 31.5.2023 of the Hon'ble Division Bench of this Court in CWP No. 2108 of 2023. In the said judgment, Hon'ble Division Bench has observed as under:-

> *"Having regard to the reasons assigned in the said order and since the case of the petitioner in the instant case is also on the similar footing, the instant writ petition is also allowed by directing the respondents to pay arrears of pay as per the revision of the pay scales w.e.f. 01.01.2016 to 30.11.2020 with interest @ 6% per annum from the due date till the date of its realization as per Annexure P-2. A further direction is also issued to the respondents to revise the pension, gratuity (DCRG) and leave encashment, as per Annexure P2 and to pay the same alongwith interest @ 6% per annum to the*

petitioner w.e.f. the due date i.e. 01.12.2020, till the date of its realization.

Pending miscellaneous application(s), if any, also stand disposed of accordingly."

5. Both learned counsel have agreed that this Court had granted relief to similarly placed petitioners in CWP No.2108 of 2023 on 31.05.2023 and in CWP No.2421 of 2023 on 15.06.2023. Therefore, this writ petition is allowed for reasons alike and the respondents are directed to pay arrears of pay as per the revision of pay scales w.e.f. 01.01.2016 to 30.4.2019 with interest @ 6% per annum from the due date till the date of its realization and they shall also revise the pension, gratuity, and pay the same alongwith interest @ 6% per annum to the petitioner w.e.f. 01.01.2016 till the date of its realization, within a period of six weeks from today.

All pending application(s), if any, also stands disposed of.

(Satyen Vaidya)
Judge

1st April, 2024
(sushma)