IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP-4586 of 2023 along with
connected matters
Date of decision: 21.05.2024

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1. CWP-4586 of 2023

Tika Ram. ...Petitioner.

Versus

The State of HP and Another. ...Respondents.

2. CWP-4204 of 2023

Dara Singh Dehal. ...Petitioner.

Versus

The State of HP and Another. ...Respondents.

3. CWP-4587 of 2023

Rameshwar Dutt Sharma. ...Petitioner.

Versus

The State of HP and Another. ...Respondents.

4. CWP-4894 of 2023

Brij Lal. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

5. CWP-5453 of 2023

Ravi Kant Kaushal. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

6. CWP-5831 of 2023

Het Ram Sharma. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

7. CWP-5832 of 2023

Dinesh Kumar Garg. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

8. CWP-5833 of 2023

Bhagwan Singh Verma. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

9. CWP-5920 of 2023

Rattani Devi. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

10. CWP-5962 of 2023

Veena Kumari. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

11. CWP-5990 of 2023

Beena Sharma. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

12. CWP-6022 of 2023

Prabhat Chand Chaudhary. …Petitioner.

Versus

State of HP and Others. …Respondents.

13. CWP-6023 of 2023

Manorma Devi. …Petitioner.

Versus

State of HP and Others. …Respondents.

14. CWP-6282 of 2023

Rameshwari Devi. …Petitioner.

Versus

State of HP and Others. …Respondents.

15. CWP-6283 of 2023

Subhash Chand. …Petitioner.

Versus

State of HP and Others. …Respondents.

16. CWP-6284 of 2023

Gaitri Devi. …Petitioner.

Versus

State of HP and Others. …Respondents.

17. CWP-6340 of 2023

Surender Kumar Thakur & Ors. …Petitioners.

Versus

State of HP and Others. …Respondents.

18. CWP- 6448 of 2023

Ram Kumar. …Petitioner.

Versus

State of HP and Others. …Respondents.

19. CWP-6449 of 2023

Mohinder Singh Rana. …Petitioner.

Versus

State of HP and Others. …Respondents.

20. CWP-6450 of 2023

Matinder Kumar. …Petitioner.

Versus

State of HP and Others. …Respondents.

21. CWP-6451 of 2023

Udham Singh Guleria. …Petitioner.

Versus

State of HP and Others. …Respondents.

22. CWP-6452 of 2023

Ram Murthi Lath. …Petitioner.

Versus

State of HP and Others. …Respondents.

23. CWP-6514 of 2023

Joginder Pal. …Petitioner.

Versus

State of HP and Others. …Respondents.

24. CWP-6515 of 2023

Surinder Kumar Sharma. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

25. CWP- 7753 of 2023

Mohan Lal. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

26. CWP-7773 of 2023

Harbans Singh Dewanta. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

27. CWP-8045 of 2023

Ram Swaroop Thakur. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

28. CWP-8322 of 2023

Shadi Ram. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

29. CWP-8336 of 2023

Yashpal Singh Negi. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

30. CWP-9154 of 2023

Bala Laxmi Thakur. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

31. CWP-10095 of 2023

Mala Laxmi. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

32. CWP-10703 of 2023

Saroj Bala. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

33. CWP-10959 of 2023

Ashok Kumar. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

34. CWP-8564 of 2023

Hem Ram Sharma. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

35. CWP-9461 of 2023

Renu Kumari. ...Petitioner.

Versus

State of HP and Others. ...Respondents.

36. CWP-5834 of 2023

Madan Lal Sharma. …Petitioner.

Versus

State of HP and Others. …Respondents.

Coram:
Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioners	:	Mr. M.A. Safee, Mr. Pranav Kumar Kaushal, Mr. Sameer Miyan, Mr. Ashok Chaudhary, Mr. Onkar Jairath, Mr. Aditya Kaushal, Mr. Vikas Rathore, Mr. Vinod Chauhan, Mr. Bhupinder Kumar, Mr. Manish Thakur, Mr. Shiv Pal Manhans, Mr. Ravi Kant Kaushal, Mr. Ashwani Chawla and Mr. Rakesh Chauhan, for their respective petitions.
For the respondents	:	Mr. L.N. Sharma, Mr. Dalip K. Sharma and Mr. Rajesh Kosh, Additional Advocates General, for the respondent(s)/State.
	:	Mr. Tara Chand Chauhan, Mr. Rangil Singh and Mr. Chitranjan Kumar Sharma, for respondent(s)/Account General.

Jyotsna Rewal Dua, Judge (Oral):

All these petitions are with the prayers for grant of revised pay scale w.e.f. 01.01.2016 along with consequential benefits on that basis. Involving common

[1] ***Whether reporters of Local Papers may be allowed to see the judgment? Yes***

questions of law and facts, these are taken up together for decision.

2. The petitioners' case is that they had retired from the service of the respondents between 01.01.2016 to 31.01.2022. The respondent promulgated Himachal Pradesh Civil Services (Revised Pay), Rules, 2022, vide notification dated 03.01.2022. The Rules were brought into force on and w.e.f. 01.01.2016.

3. The above notification was followed by office memorandum dated 25.02.2022 and thereafter, by office memorandum dated 17.09.2022. In terms of these office memorandums, the revised pay scale w.e.f. 01.01.2016 and consequent benefits were ordered to be released in piece-meal manner without even indicating, the time schedule for releasing the same. In the aforesaid circumstances, the petitioner(s) instituted these petitions, *inter alia*, claiming the following reliefs (*extracted from CWP No.4586 of 2023; 'Tika Ram vs. State of H.P. & Anr.')* : -

> *"(i) That the Writ of Certiorari or any other appropriate writ order or direction may kindly be issued quashing and setting aside the Office Memorandum dated*

17.09.2022 (Annexure P-5) whereby the Respondents have put a cap on the release of retiral benefits as are due to the Petitioner.

(ii) That the Writ in the nature of Mandamus or any other appropriate writ order or directions may kindly be issued directing the Respondents to release the entire arrears of retiral benefits i.e. Death-cum-Retirement Gratuity, Commuted Value of Pension etc. to the Petitioners which have accrued in his favour on account of Himachal Pradesh Civil Services (Revised Pay) Rules, 2022 as well as Office Memorandum dated 25.02.2022 along with 9% p.a.

(iii) That the Writ in the nature of Mandamus or any other appropriate writ order or directions may kindly be issued directing the Respondents to release the arrears on account of the delayed payment along with interest @ 12% p.a."

4. During hearing of the cases, learned counsel for the petitioners submitted that in view of Office memorandum

dated 13.03.2024 passed by the respondents, relief No.(i) does not survive. The petitioners, however, have insisted upon the grant of reliefs No.(ii) and (iii) above.

5. Learned counsel for the petitioners submitted that the cases of the petitioners and the reliefs prayed by them are squarely covered in terms of judgments passed by Division/Coordinate Benches of this Court in **CWP No.2473 of 2022** titled as '***Sh. Salig Ram Chauhan vs. Himachal Pradesh Horticulture Produce Marketing and Processing Corporation Ltd. & Anr.***' dated 04.07.2023; **CWP No.8776 of 2023** titled as '***Surya Prakash vs. State of H.P. & Ors.***' dated 06.03.2024; **CWP No.3424 of 2024** titled as '***Er. Balwant Singh vs. H.P. State Electricity Board Ltd.***' dated 29.04.2024; **CWP No.3810 of 2024** titled as '***Yoginder Kumar Thakur vs. H.P. State Electricity Board Ltd.***' dated 07.05.2024; **CWP No.6611 of 2023** titled as '***Surinder Singh vs. State of Himachal Pradesh & Anr.***' dated 19.09.2023; **CWP No.5651 of 2023** titled as '***Dr. Sunil Kumar Chandel & Ors. vs. State of Himachal Pradesh & Ors.***' dated 26.09.2023; **CWP No.8075 of 2023** titled as '***Sh. Yuvraj Verma vs. State of H.P. & Ors.' dated 20.10.2023***;

CWP No.8180 of 2023 titled as '***Umesh Kumar Gupta vs. HPSEBL***' dated 30.10.2023; **CWP No.8192 of 2023** titled as '***Ramesh Chauhan vs. HPSEBL'***; and **CWP No.9201 of 2023** titled as '***Jagat Singh vs. State of Himachal Pradesh & Ors.***' dated 22.11.2023.

In the aforesaid decisions, the respondent-State has been directed to pay arrears of pay as per revision of pay scale w.e.f. 01.01.2016 till date of the retirement of the petitioners with interest @ 6% per annum from due date till the date of realization, further the respondents have been directed to revise the pension, gratuity, leave encashment and computation of pension, as admissible to the petitioners and pay the same along with interest @ 6% per annum w.e.f. due dates till the dates of realization within a period of six weeks.

6. The respondents in their short reply have not disputed the factual position of the case. Learned Additional Advocate General has not disputed that the relief prayed for by the petitioners have been granted in the aforesaid different decisions rendered in different petitions. Hence, for the reasons alike, these writ petitions are allowed and

disposed of with the direction to the respondents to pay the balance and due amount to the petitioners in terms of Himachal Pradesh Civil Services (Revised Pay) Rules, 2022, inclusive of arrears on account of revised pay scale/ pension/Death-cum-Retirement Gratuity/Commutation of pension/ family pension/ leave encashment along with interest @ 6% per annum from due date within a period of three months.

Pending miscellaneous applications, if any, also stand disposed of.

(Jyotsna Rewal Dua)
Judge

21st May, 2024
(Pardeep)