**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

**CWP No. 7382/2023 alongwith connected matters
Decided on: 28.05.2024**

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1. CWP No.7382/2023

Roop Chand ….Petitioner

Versus

State of H.P. ……Respondent

2. CWP No.7383/2023

Satish Kumar Sharma ….Petitioner

Versus

State of H.P. ……Respondent

3. CWP No.7384/2023

Ravinder Kumar Kaushal ….Petitioner

Versus

State of H.P. ……Respondent

4. CWP No.7385/2023

Ravinder Kumar ….Petitioner

Versus

State of H.P. ……Respondent

5. CWP No.7386/2023

Rajinder Kumar ….Petitioner

Versus

State of H.P. ……Respondent

6. CWP No.7387/2023

Awadhesh Kumar Yadav ….Petitioner

Versus

State of H.P. ……Respondent

7. CWP No.7392/2023

Lotus Kumari ….Petitioner

Versus

State of H.P. & Anr. ……Respondents

8. CWP No.7393/2023

Sham Lal Saini ….Petitioner

Versus

State of H.P. ……Respondent

9. CWP No.7394/2023

Neelam Saini ….Petitioner

Versus

State of H.P. & Anr. ……Respondents

10. CWP No.7395/2023

Deepak Puri ….Petitioner

Versus

State of H.P. ……Respondent

11. CWP No.7396/2023

Rajnish Kumar ….Petitioner

Versus

State of H.P. ……Respondent

12. CWP No.7397/2023

Balwant Singh ….Petitioner

Versus

State of H.P. ……Respondent

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Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioners	**:**	**Mr. Shubham Sood, Advocate, in all the petitions.**
For the respondents	**:**	**Mr. R.S. Verma, Mr. YPS Dhaulta and Mr. L.N. Sharma, Additional Advocates General and Mr. Sikander Bhushan, Deputy Advocates General.**

Jyotsna Rewal Dua, J

All these writ petitions have been filed for the grant of following substantive reliefs:-

> *"i) That the Writ of Certiorari or any other appropriate writ order or direction may kindly be issued for quashing and setting aside the Office Memorandum dated 17.09.2022 whereby the Respondents have put a cap on the release of retiral benefits as are due to the Petitioner.*
>
> *ii) That the Writ 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 to the petitioner, including higher amount of Death-cum-Retirement Gratuity, Leave encashment, arrears accrued on account of revised pay scale and arrears on account of revised pension in terms of Himachal Pradesh Civil Services (Revised Pay) Rules, 2022 as well as Office Memorandum dated 25.02.2022 along with 9% p.a forthwith along with interst @12% p.a."*

2. Prayer in these petitions is for grant of benefit in terms Himachal Pradesh Civil Services (Revised Pay) Rules, 2022, which

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

have been brought into the force on and w.e.f. 01.01.2016. It is the case of the petitioners that they have all retired after 01.01.2016 but before 31.01.2022. That they are entitled to receive pay scales in terms of the Himachal Pradesh Civil Services (Revised Pay) Rules, 2022, brought into force w.e.f. 01.01.2016. vide notification dated 03.01.2022.

3. 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.

4. 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

May 28, 2024 **(Rohit)**