(2024:HHC:7710)

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.10830 of 2023
Date of Decision : 29.08.2024

Narinder Chauhan ..... Petitioner

Versus

State of Himachal Pradesh and others .....Respondents

Coram:

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?[1]

For the petitioner : Mr. Adarsh K. Vashista, Advocate.

For the respondents : Mr. Diwakar Dev Sharma, Additional Advocate General.

Bipin Chander Negi, Judge (oral)

The petitioner has retired from the post of Assistant Director (Legal) from the Department of Agriculture, on attaining the age of superannuation. He has approached this Court, by way of present petition filed under Article 226 of the Constitution of India, praying therein for the following main relief:-

> *"i) That a writ in the nature of mandamus may kindly be issued directing the Respondents to grant and allow the due and admissible revised leave encashment, revised balance gratuity in lump-sum and other due and admissible services benefits payable in favour of the Petitioner as per Revised Pay Rules, 2022, alongwith arrears and interest."*

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

(2024:HHC:7710)

2. Subsequent to his retirement/superannuation, Office Orders were issued revising the petitioner' 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 31.12.2019, but the same, according to the petitioner, has not been paid to him till date. This fact has not been disputed by learned Additional Advocate General.

3. That apart, pension, gratuity, leave encashment and commutation of pension benefits payable to the petitioner is 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. 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 P-2 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 the 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 31.12.2019 with interest @ 6% per annum from the due date till the date of its realization and they shall also revise the pension, gratuity, leave encashment and commutation of pension 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 eight weeks from today.

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

(Bipin Chander Negi)
Judge

August 29th, 2024 **(KS)**