IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 3124/2025
Decided on: 17.10.2025

Tikkam Ram …Petitioner

Versus

HRTC & Anr. ….Respondents.

……

Coram
Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioners:	**Mr. Manohar Lal Sharma, Advocate.**
For the respondents:	**Mr. Vipul Sharda, Advocate, vice Mr. Raman Jamalta, Advocate.**

***Jyotsna Rewal Dua*, J.**

CMP No. 24957/2025

The application is allowed. Copy of appended decision rendered in ***Raj Kaur Vs. HRTC & Ors.***[2] is taken on record. Application to stand disposed of

CWP No.3124/2025

2. Even though the reply has not been filed, however, with the consent of learned counsel for the parties, the matter is heard at this stage.

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

[2] CWP No. 14438/2025 decided on 18.09.2025

3. Petitioner an employee of the respondents-HRTC, feels aggrieved against the action of the respondents, whereby the respondents have not released arrears on account of petitioner's back date regularization in view of ***Himachal Road Transport Corporation Vs. Lekh Ram etc.***[3] but restricted the payment of arrears in installments.

3. The case set up by the petitioner is that he was appointed under Kith and Kin Policy by the respondents on 08.05.2007 on contract basis. He preferred ***Tikkam Ram Vs. HRTC***[4] seeking applicability of the judgment rendered in *Lekh Ram*[2] and on that basis deemed regularization from the date of his initial appointment w.e.f. 08.05.2007. *Tikkam Ram*[4] was disposed of with direction to the respondents-Corporation to decide petitioner's representation, in accordance with law. Pursuant to the above decision passed by the Hon'ble Apex court, respondents-Corporation considered the case of petitioner and vide office order at Annexure P-2 held that the case of the petitioner was covered under *Lekh Ram*[2]. Petitioner was accordingly deemed to be in regular service from the date of his initial appointment i.e. w.e.f. 08.05.2007 and on that basis payable arrears due to the petitioner was computed to Rs.11,49,594/. Petitioner's grievance is against the part of aforesaid order whereby respondents have restricted the payment of aforesaid arrears in

[3] Civil Appeal Nos. 1557-1564 of 2019 decided on 08.02.2019
[4] CWP No. 10763/2023 decided on 05.04.2024

installments in light of Finance Department instructions dated 07.01.2012.

4. Learned counsel for the petitioner invited attention to ***Uma Kant Vs. HRTC & Anr.***[5] in support of his submission that petitioner was entitled for release of all arrears in lump sum and not in installments. The said decision reads as under: -

> *"Heard both sides.*
>
> *2. The petitioner is the son of an employee of the first respondent-Corporation, who died during the employment and the petitioner was then appointed under the Kith & Kin Policy.*
>
> *3. Pursuant to a judgment of the Apex Court in Civil Appeal Nos.1557-1564/2019, titled Himachal Road Transport Corporation Versus Lekh Ram and others, dated 08.02.2019, the case of similarly placed employees was directed to be considered for regularization from the date of their appointment on contract basis.*
>
> *4. Pursuant to the said order of Hon'ble Supreme Court, the first respondent-Corporation passed order dated 20.07.2021, re-fixing the salary of the petitioner, but arrears payable to him w.e.f. 17.03.2007 to 20.07.2021 have not been paid.*
>
> *5. In a similar fact situation, the Division Bench of this Court passed orders on 23.09.2022 in CWP No.837 of 2022, titled Arjun Bhardwaj Versus Himachal Road Transport Corporation, referring to an earlier order passed on 15.07.2022, in CWP No.4944 of 2021, titled Prakash Chand Versus Himachal Road Transport Corporation and directed the first respondent to pay the entire arrears due to the petitioner therein within six months, failing which the respondents were directed to pay*

[5] CWP No. 2107/2023 decided on 31.05.2023

> *interest @ 7.5% per annum from the date of passing of the orders sought to be executed.*
>
> *6. Therefore, for reasons alike, this writ petition is allowed and six months' time is granted to the first respondent from today to pay the entire arrears payable to the petitioner, pursuant to the order of re-fixation dated 20.07.2021. In default of making such payment, the respondents shall pay interest @ 7.5% per annum from the date of passing of the order sought to be executed.*
>
> *7. Writ Petition is accordingly disposed of. Pending miscellaneous applications, if any, stand disposed of."*

The above decision pertained to regularization and release of consequential arrears of an employee of respondents-Corporation appointed under the Kith and Kin Policy on the analogy of decision rendered by the Hon'ble Apex Court in *Lekh Ram*[2]. The Hon'ble Division Bench directed the respondents-Corporation to pay all arrears to the petitioner (therein) in lump sum pursuant to refixation of his pay post his retrospective regularization, failing which, interest @7.5% per annum was to be paid.

5. Learned vice counsel for respondents-Corporation admitted that the above decision has been implemented by the respondents-Corporation and all arrears due and admissible to the petitioner therein have been released in lump sum.

Respondents cannot discriminate the petitioner vis-a-vis *Uma Kant*[4] in releasing the arrears, more so, when it is not in dispute

that the case of the present petitioner is similar to that of *Uma Kant*[4] to whom all arrears were released in lump sum.

In the given facts and circumstances, the Finance Department instructions dated 07.01.2012 on the subject of release of arrears in staggered manner, shall not be applicable.

In view of above, this writ petition is disposed of with direction to the respondents-Corporation to pay balance due and admissible arrears to the petitioner within a period of six months, failing which, interest @ 5% per annum shall be payable. Pending miscellaneous application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

17th October, 2025(rohit)