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

***CWPOA No.556 of 2019***
***Decided on : 17.10.2025***

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Yoga Singh ....Petitioner

*Versus*

State of H.P. and others

....Respondents

***Coram***

**Hon'ble Mr. Justice Ranjan Sharma, Judge**

[1] *Whether approved for reporting? No*

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|---|---|
| For the petitioner: | Mr. Aditya Chauhan, Advocate. |
| For the respondents: | Mr. Navlesh Verma, Additional Advocate General. |

**Ranjan Sharma, Judge**

Petitioner has come up before this Court seeking the following reliefs: -

> *"I. That the present O.A may kindly be allowed and the action of respondents whereby applicant has not been granted scale of Grade 'A' Pump Operator be quashed and set aside and may kindly be directed to give the scale with arrears and interest.*
>
> II. *That the respondents be directed to pay arrears from the 1991 to 1994 since the applicant had completed ten years in March 1991 however the applicant was give work charge status on 31.12.1993.*

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

III. *That the respondents may be directed to follow the roster and seniority of SC candidates may be drawn separately and applicant may be granted benefits for promotion and for grant of scale as per grade-A.*

IV. *That the period of two year from March 1991 to 31.12.1993 be counted for pensionary benefits at the time of retirement."*

**FACTUAL MATRIX:**

**2.** In nutshell, the grievance of the petitioner is that the petitioner belongs to SC Category and based on the reservation roster and seniority of Scheduled Caste Candidates, the petitioner may be granted promotion and pay scale as is admissible to Grade 'A' Pump Operators and also to grant benefit of such promotion for retiral benefits, but despite representation dated 20.11.2006, Annexure A-5, the benefits have not been given.

**STAND OF STATE AUTHORITIES RESPONDENTS IN REPLY-AFFIDAVIT:**

**3.** Respondents have filed a *Reply-Affidavit*, stating therein that the petition has been filed after a lapse of about 16 years and the same suffers from delay and latches. Reply-Affidavit further indicates that petitioner was regularised as Work Charge

Pump Operator w.e.f 01.01.1994 in terms of the Policy framed by the Government which was approved by the Hon'ble Supreme Court in the case of ***Mool Raj Upadhyaya Versus State of H.P and others, 1994 Supp.(2) SCC 316***. Para No.3 of Reply-Affidavit states that there is no Rule to grant Grade 'A' Scale to Pump Operators on completion of 10 years of daily wage service. Reply-Affidavit further indicates that there is no Rule entitling a Reserved Category Candidate for higher grade in preference to General Category Candidates. It is further averred that after the revision of pay scales w.e.f 01.01.1996, Three-Tier Pay Structure has been prescribed for Pump Operators in the ratio of 20:30:50, strictly on the basis of seniority in cadre as on 01.01.1996. It is averred that grant of Three Tier Pay Scale is not a promotion and therefore roster is not applicable, which is followed in the case of promotion to be made as per the R & P Rules. It is submitted that based on seniority, the pay scale of Rs.3120-5160 is to be given to 50% at Entry Cadre, with designation as Junior Technician. The pay

scale of Rs.4020-6200 is to be given to 30% incumbents with designation as Technicians Grade-II and the pay scale of Rs.4550-7220 is to be given to remaining 20% with designation as Technician Grade-1.

**3(i).** Reply-Affidavit further indicates that the petitioner has been granted the pay scale of Junior Technician of Rs.3120-5160 w.e.f 01.01.1996 and was subsequently granted the next higher pay scale of Rs.4020-6200 as Technician Grade-II (Pump Operator) w.e.f. 01.01.2002 in terms of the order issued by Superintending Engineer, I & PH Circle [now Jal *Shakti Vibhag*], Una, on 29.06.2006. Reply-Affidavit further indicates that seniority of the petitioner is much below in the Seniority List, so as to entitle him for the pay scale of Rs.4550-7220 as Technician Grade-1 (Pump Operator).

**REBUTTAL BY PETITIONER IN REJOINDER:**

**4**. Petitioner has filed a *Rejoinder,* stating that pay scale of Rs.4550-7220 as Technician Grade-1 is to be granted in terms of roster by preparing separate seniority list for Scheduled Caste Pump Operators

and therefore the denial of higher scale is illegal.

**5.** Heard, Mr. Aditya Chauhan, Learned Counsel, for the petitioner and Mr. Navlesh Verma, Learned Additional Advocate General, for the respondents.

**ANALYSIS:**

**6**. Taking into account the entirety of the facts and circumstances and the material on record, this Court is of the considered view, that the claim of the petitioner for higher scale of Rs.4550-7220, being a Scheduled Caste Reserved Category Incumbent by applying reservation is not tenable *for the following reasons:-*

**6(i)**. The State Authorities introduced Three Tier Pay Structure w.e.f 01.01.1996, whereby, the higher pay scales were to be given in the ratio of 20:30:50 on the basis of seniority. That being so, once the petitioner has been given Entry Grade of Rs.3120-5160 w.e.f 01.01.1996 and next higher grade of Rs.4020-6200 as Technician Grade-II (Pump Operator) on 29.06.2006 w.e.f 01.01.2002 but in view of his lower seniority

placement, the petitioner did not come within the ambit-zone for granting the next higher pay scale of Rs.4550-7220, therefore, no fault can be found in not granting the pay scale of Rs.4550-7220 to the petitioner.

**6(ii).** The core principle to grant higher pay scale based on seniority cannot be permitted to be given a go-bye. Petitioner does not have a vested right for grant of higher pay scale, ignoring the seniority which is linked to percentage of posts in terms of the ratio of 20:30:50 as prescribed by the H.P. Civil Services (Revised Pay) Rules and the orders issued thereafter. So far as the claim for grant of placement in the pay scale of Rs.4550-7220 on the basis of reservation is concerned, the plea is untenable, when, the cadre of Technicians is a unified cadre and Three Tier pay scales are to be granted in terms of seniority as per the percentage ratio of 20:30:50 with reference to the posts in a cadre as on 01.01.1996. Moreover, the higher scale is granted on the basis of seniority subject to availability of post as per the ratio and such benefit is a placement and not

promotion. Reservation roster is not applicable, in case of placement as applicable in case of promotion. Petitioner has not been able to point out any rule or norm providing that even in case of placement on higher scale based on seniority, the reservation roster is applicable. In absence of any such rule or roster, the claim of the petitioner for higher scale of Rs.4550-7220, on the basis of reservation-roster, being a Scheduled Caste Employee, is not tenable. In these circumstances, the claim is devoid of any merit and is turned down.

**DIRECTIONS:**

**7**. In view of the above discussion, this Court does not find any merit, in the claim of petitioner and the instant petition being misconceived, is accordingly dismissed.

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

**(Ranjan Sharma)**
**Judge**

October 17, 2025
(meera)