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

CWPOA No. 623 of 2019
Decided on: 30.10.2025

Narain Singh

....Petitioner

Versus

State of Himachal Pradesh and another

....Respondents

Coram:
Hon'ble Mr. Justice Ranjan Sharma, Judge

[1]*Whether approved for reporting? Yes*

For the petitioner: Mr. Surinder Saklani, Advocate.

For the respondents: Mr. Navlesh Verma, Additional Advocate General.

Ranjan Sharma, Judge

Petitioner, Narain Singh, having retired as Senior Assistant from the Department of Treasuries and Accounts of the State Government, had filed a CWP *No. 7839 of 2011* before this Court and on establishment of State Administrative Tribunal, the matter was transferred to Tribunal and upon its abolition, same was transferred to this Court as *CWPOA No. 623 of 2019*, seeking the following reliefs:

> "9(i) That a writ of certiorari may kindly be issued thereby quashing Annexure P-5 dated 07.11.2011, whereby the case of

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

the petitioner for grant of bunching benefit has been rejected.

9(ii) That a writ of mandamus may very kindly be issued thereby directing the respondents to grant the benefit of bunching benefit in view of Annexure P-2 and Annexure P-3.

9(iii). That a writ of mandamus may very kindly be issued thereby directing the respondents to grant an increment of Assured Career Progression Schemes on the post of Sr. Assistant after completion of eight years."

FACTUAL MATRIX:

2. Grievance of the petitioner is that he was appointed as a Clerk in Department of Treasuries and Accounts on 04.01.1982 and he was promoted as Junior Assistant on 25.02.1992 in the pay scale of Rs.1500-2700.

2(i). *First claim* of the petitioner the Respondent State issued Himachal Pradesh Civil Services (Revised Pay) Rules on 20.01.1998, revising the pay scales from 01.01.1996, whereby, the pay scale of petitioner was revised from Rs 1500-2700 to Rs 5000-8100. It is averred that basic pay of the petitioner remained stagnant for three consecutive years in the unrevised pay scale and after revision, his basic pay was fixed at Rs 5160/-, whereas, his basic pay ought to have been fixed in revised pay scale of Rs 5000-8100 at

Rs 5320/-w.e.f. 01.01.1996 by giving him additional bunching increments but these increments were denied illegally.

2(ii). *Second Claim* of the petitioner is that he was promoted as a Senior Assistant in September, 2001 and on completion of 8 years of regular service in September, 2009 though petitioner became eligible for grant of Proficiency Increment under ACP Scheme w.e.f. September, 2009 and the resultant higher pay but this benefit was not released till his retirement in July, 2011, which has resulted in financial loss till day.

2(iii). It is averred that the petitioner submitted a representation *[Annexure P-1]* to Special Secretary (Finance) Treasury, Accounts and Lottery, for releasing bunching increment w.e.f. 01.01.1996 but his claim was rejected on 07.01.2011 *[Annexure P-5],* on the ground that no other bunching increment was not admissible.

It is in this background, that the petitioner has filed the instant petition, seeking the release of *bunching increment* w.e.f. 01.01.1996 and *Proficiency*

Increment as Senior Assistant w.e.f. September 2009 or such like date in terms of the ACP Scheme with higher pay-fixation till superannuation on 31.07.2011 and for giving him the revised retiral benefits with all consequential benefits.

STAND OF RESPONDENTS IN REPLY-AFFIDAVIT:

3. Pursuant to the issuance of notice, State Authorities have filed Reply-Affidavit dated 30.11.2011 of Special Secretary (Finance)-cum-Director, Treasuries, Accounts and Lotteries, Himachal Pradesh.

3(i). Preliminary Submissions in Reply-Affidavit indicates that the petitioner was appointed as Clerk in the pay scale of Rs 950-1800 and the petitioner was promoted as a Junior Assistant in pay scale of Rs 1500-2640 on 25.02.1992. It is averred that after revision of pay scales on *20.01.1998 [Annexure R/1],* and after giving the bunching increment, the pay of the petitioner was fixed at Rs 5160 w.e.f. 01.01.1996 in the revised pay scale of Rs 5000-8100 and no other additional bunching increment was due to the petitioner.

3(ii). Reply-Affidavit states in para 7 © that the case of the petitioner for grant of *Assured Career*

Progression Scheme is being considered along with other eligible officials. In this background, the State Authorities have prayed for the dismissal of the writ petition.

SUPPLEMENTARY AFFIDAVIT BY PETITIONER AND COUNTER-AFFIDAVIT BY STATE IN TERMS OF ORDER DATED 19.12.2012:

3(iii). During the pendency of instant proceedings, the petitioner filed a *Supplementary Affidavit, asserting* that one of his junior, namely, Mohinder Singh was given *bunching increment* and the resultant higher pay than the petitioner.

State Authorities filed a *Counter-Affidavit to Supplementary Affidavit* stating the pay of petitioner remained stagnant in the unrevised pay scale of Rs 1500-2700 for three consecutive years and due to stagnation in basic pay, the petitioner was entitled for one bunching increment in fourth year and after giving *one bunching increment* in the revised scale of Rs 5000-8100, the pay of the petitioner was fixed at Rs 5160 in revised pay scale of Rs 5000-8100 w.e.f. 01.10.1996 and after giving him the annual increment w.e.f. 01.02.1996, his pay was fixed at Rs 5360 whereas so far as junior, *Shri Mohinder*

Singh is concerned, it is stated that his pay was fixed at Rs 1500 as Junior Assistant on 30.01.1995 and after revision of pay scales, the pay of junior was fixed at Rs 5000 in the revised pay scale of Rs 5000-8100 w.e.f 01.01.1996 and after giving him annual increment w.e.f. 01.01.1996 his pay was fixed at Rs 5160. In these circumstances, it was stated that the petitioner drew higher pay than the junior Mohinder Singh, in consonance with Himachal Pradesh Civil Services (Revised Pay) Rules.

3(iv). No rejoinder was filed by petitioner so as to assert that bunching increment were not released or additional bunching increments were due, which have not been released to him, as yet. In absence of any rejoinder, the contents of the Counter Affidavit filed remain uncontroverted.

4. Heard, Mr. Surinder Saklani Learned Counsel for the petitioner and Mr. Navlesh Verma Learned Additional Advocate General, for the respondents.

ANALYSIS:

5. Taking into account the entirety of facts and circumstances and the material on record, this Court is of the considered view, that *the Rejection*

Orders dated 07.01.2011 [Annexure P-5], disallowing the claim of the petitioner for additional bunching increment(s), in revised pay scale w.e.f. 01.01.1996, does not stand the test of judicial scrutiny, *for the following reasons:*

5(i). Indisputably, the petitioner was promoted as Junior Assistant on 25.02.1992 in pay scale of Rs 1500-2700 and he had reached a basic pay of Rs 1650 as on 31.12.1995. On the issuance of the Himachal Pradesh Civil Services (Revised Pay) Rules on 20.01.1998 w.e.f. 01.01.1996, the petitioner was given the revised pay scale of Rs 5000-8100 w.e.f. 01.01.1996 whereas the claim of petitioner is that after giving him bunching increments, his pay should have been fixed at Rs 5320 w.e.f 01.01.1996, instead of fixing him at Rs 5160 in revised pay scale of Rs 5000-8100 w.e.f. 01.01.1996.

The above claim of the petitioner cannot sustain, *for the reason*, that in terms of the Reply-Affidavit and the Counter-Affidavit it is established that while working as a Junior Assistant, the basic pay of the petitioner remained stagnant at Rs 1650

in unrevised pay scale for three consecutive years as on 31.12.1995 and in lieu stagnation in basic pay for three consecutive years, petitioner was entitled for one bunching increment in revised pay scale; and based on this the admissible one bunching increment stands already released to the petitioner, by fixing his pay as Junior Assistant at Rs 5160 in the revised pay scale of Rs 5000-8100 w.e.f. 01.01.1996, as is borne out from the *Tabular Chart, as* reproduced by the State Authorities, reads as under:-

> "That the **pay of the petitioner was fixed as on 01.01.1996** as under:-

1.	Basic pay on 01.01.1996 in the existing scale	Rs.1650-00
2.	Dearness allowance	Rs.2442-00
3.	Interim Relief	Rs.315-00
4.	40% hike in basic pay	Rs.660-00
5.	Total:	Rs.5067-00
6.	Next stage in revised pay Scale	**Rs.5160-00**

> **Fixation by granting the benefit of bunching** if three consecutive increments have been earned by the official:

1.	**Basic pay on 01.01.1996 in the existing scale**	Rs.1650-00
2.	**Three increments earned in the existing scale** of Rs 1500-2700 @ Rs 50/-	Rs. 2442-00
3.	**Pay fixation if benefit of one increment** in the revised scale of Rs .5000-8100 is **granted after earning 3 increments in the existing scale**	Rs.5000+160 = Rs.5160-00"

Perusal of the above Tabular Chart in Reply-Affidavit and the Counter Affidavit, reproduced above, goes on to establish that the admissible one *bunching increment* stands released to the petitioner by fixing his pay as Junior Assistant at Rs 5160 in the revised pay scale of Rs 5000-8100 w.e.f. 01.01.1996. The petitioner has not filed any rebuttal -rejoinder to Counter-Affidavit filed by the petitioner by way of *Supplementary Affidavit,* to establish that he was entitled for the additional bunching increment over and above the one bunching increment which already stands released to the petitioner in revised pay scale, which led to fixing his pay as Junior Assistant at Rs 5160 in the revised pay scale of Rs 5000-8100 w.e.f. 01.01.1996 {after giving him one bunching increment, in lieu of stagnation in basic pay in unrevised pay scale for three consecutive years}. In these circumstances, the claim of petitioner for any other additional bunching increment is not tenable and the rejection order dated 07.01.2011 {Annexure P-5}, does not suffer from any illegality or infirmity.

5(ii). Claim of petitioner for granting any other bunching increments, over and above one bunching increment {which already stands released}, is *devoid of any merit*, in view of Rule 7 of Himachal Pradesh Civil Services (Revised Pay) Rules 1998 *[Annexure R-1]*, which governs the admissibility of bunching increment to an employee, *in following terms:-*

> ***"7. Fixation of Pay in the Revised Scale:***
>
> The pay of a Government employee who opts or is deemed to have opted for the revised scale in terms of the provisions of these rules shall, unless in any case the Government by special order otherwise directs, be fixed in the following manner, namely:-
>
> (j) an amount representing forty percent of the basic pay in the existing scale shall be added to the "Existing Emoluments" of the employee; and
>
> (ii) after the existing emoluments have been so increased, the pay shall thereafter be fixed in the revised scale at the stage next above the amount of the existing emoluments so computed, if it falls between two stages and it the amount so computed is equal to a stage in the revised scale, then the pay shall be fixed at such equal stage;

Provided that:

(a) if the minimum of the revised scale is more than the amount so arrived at, the pay shall be fixed at the minimum of the revised scale;

(b) If the amount so arrived at is higher than the maximum of the revised scale, the amount in excess of the maximum of the revised scale shall be treated as personal pay which shall be absorbed in future increments and shall be reckoned as pay for all purposes;

Provided further that where in the fixation of pay, the pay of Government employees **drawing pay at more than three consecutive stages in an existing scale gets bunched**, that is to say, **gets fixed in the revised scale at the same stage,** the pay in the revised scale of such of those government employees who are drawing pay beyond the first three consecutive stages in the existing scale ***shall be stepped up by grant of increment (s) in the revised scale*** in the following manner, namely:-

(a) for the Government employees drawing pay ***from the fourth upto the sixth stage in the existing scale by one increment;***

(b) for the Government employees drawing pay from the ***seventh upto the ninth stage in the existing scale***, if there

is bunching beyond the sixth stage- *by two increments*;

(c) For the Government employee drawing pay from the tenth upto the twelfth stage in the existing scale if there is bunching beyond the ninth stage *by three increments;*

(d) For the Government employees drawing pay from the thirteenth upto the fifteenth stage in the existing scale, if there is bunching beyond the twelfth stage, *by four increments*;

If by **stepping up the pay as above**, the pay of a Government employee gets fixed up at a stage in the revised scale which is higher than the stage at which the pay of a government employee *who was drawing more pay in the same existing scale is fixed, the pay of the latter shall also be stepped up to the level at par with the former;*

Provided further that the fixation thus made shall ensure that every Government employee **shall get at least one increment in the revised scale for every three increments** (inclusive of ex-gratia increment (s), if any) **in the existing scale;**

NOTE: See Illustrations 1 to 7 appended to these rules for guidance.

Provided further that in the case of a Government employee, who is in receipt

of Special Pay or Special Allowance attached to a post in addition to pay in the existing scale which has been revised without Special Pay or Special Allowance, as the case may be, such a Government employee shall draw Special Pay or Special Allowance at the existing rate of amount as a measure personal to him so long as he holds that post;

Provided further that in the case of a Government employee, who is in receipt of Special Pay, Special Allowance or Non Practicing Allowance (N.P.A.) in addition to pay in the existing scale which has been revised with Special Pay, Special Allowance or Non-practicing Allowance (by whatever name it may be called) at the same rate or at different rate, such a Government employee shall draw Special Pay, Special Allowance or Non-practicing Allowance at the rate allowed with the revised scale.

NOTE 1

Where the increment of a Government employee falls on the First day of January, 1996, he shall have option to draw the increment in the existing scale or the revised scale.

NOTE 2

Where a Government employee is on leave on the First day of January 1996, he shall become entitled to pay in the revised scale from the date he joins duty.

> In case of Government employees under suspension, he shall continue to draw subsistence allowance based on existing scale and his pay in the revised scale will be subject to final order on the pending disciplinary proceedings."

5(iii). Rule-7 and first proviso to the HPCS (RP) Rules governs the situation where the bunching increment is admissible to an employee. This provision indicates that in case, the pay of the government servant gets *bunched or becomes stagnant for three or more consecutive stages upto sixth stage* in the existing scale then, in lieu of the bunching or stagnation in basic pay, the pay of the government servant in *the revised pay scale is to be fixed by stepping up of pay at the fourth stage by an increment* in the revised scale. Likewise, in case, the pay of the government servant gets bunched or stagnant in the unrevised pay scale from seventh to ninth stage, then, in lieu of bunching or stagnation in basic pay, the pay of a government servant in *revised pay scale is to be fixed by stepping up the pay at seventh stage by one increment* in the revised scale.

5(iv). Even the *second proviso to Rule 7* mandates that in case the basic pay of an employee remained bunched or stagnant in the unrevised pay scale, then in such an eventuality, it has to be ensured that while fixing the pay in the revised pay scale, one bunching increment is given to an employee, in lieu of having stagnated at the same basic pay for three consecutive years in unrevised pay scale. Based on this statutory provision, once the basic pay of the petitioner remained bunched or stagnant for three consecutive stages in unrevised pay scale, then, while fixing his pay in the revised pay scale, petitioner was validly given the benefit of one bunching increment by fixing his pay at Rs 5160 in the revised pay scale of Rs 5000-8100 w.e.f. 01.01.1996 inaccordance with the HPCS (RP) Rules.

5(v). Based on a harmonious reading of *Rule 7 and third proviso thereof* and the facts in the Reply -Affidavit and Counter-Affidavit, as reproduced above, indisputably, once the basic pay of the petitioner as Junior Assistant got bunched or stagnant for

three or more consecutive years {at Rs 1650} as on 31.12.1995 in the unrevised pay scale ; then, in lieu of such stagnation in basic pay, his pay in revised pay scale of Rs 5000-8100, was to be fixed by stepping up his pay by giving one increment at Rs 5160 in the pay scale of Rs 5000-8100 w.e.f. 01.01.1996 in-accordance with the mandate of Rule 7 of the HPCS(RP) Rules. Nothing has been established by the petitioner that he is entitled for any other additional bunching increment {over and above the bunching increment already given} in terms of HPCS Revised Pay Rules w.e.f. 1.01.1996 or Instructions dated 07.11.1998, Annexure *R-I and Annexure R-II* with the Reply-Affidavit. Moreover, claim of petitioner for giving additional bunching increment in absence of any law is impermissible. Admissibility of benefit to an employee is regulated by a rule or norm as may be notified by an employer. Based on such norm, once the due and admissible one increment, in lieu of bunching or stagnation in basic pay at three or more consecutive stages already stands released to the petitioner in the revised pay scale

w.e.f. 01.01.1996, therefore, the claim of the petitioner for any other additional increment dehors the rules in force is not tenable.

5(vi). Further, even by applying Rule 7 of the HPCS (RP) Rules and Clarificatory Illustration No IV and the guiding methodology prescribed thereunder the petitioner has rightly been given the benefit of one bunching increment.

5(vii). Nothing has been placed on record by that once his basic pay got bunched or stagnant in unrevised pay scale at three consecutive stages {for three years} and though petitioner had already been granted one increment in lieu of such stagnation at three stages (for three years) yet, the petitioner was entitled for an additional or more than one increment under the HPCS (RP) Rules or instructions. Failure on the part of the petitioner to establish a right he was entitled for more than one increment, in lieu of his stagnation for three consecutive years disentitles the petitioner for any relief. The claim of the petitioner for additional bunching increment is misconceived and the same cannot be granted

dehors the Rules. The rejection order passed by the State Authorities on 07.01.2011 [Annexure P-5] in consonance with the HPCS (RP) Rules, does not warrant any interference by this Court, when, the admissible one bunching increment already stands released and no other additional bunching increment is due to the petitioner.

5(viii). Petitioner has set up a plea by asserting that a junior incumbent namely, Mohinder Singh was fixed at Rs 5160 w.e.f. 01.01.1996 in the revised scale of Rs 5000-8100 and therefore, the petitioner -senior could not be given the lower basic pay than the junior.

The above plea is misconceived, when, a perusal of Reply Affidavit and the Counter Affidavit filed to Supplementary Affidavit, reveal that the pay of Shri Mohinder Singh was fixed at Rs 5000 w.e.f. 01.01.1996 in revised pay scale of Rs 5000-8100 and after giving him annual increment which had accrued on 01.01.1996, the pay of Mohinder Singh was fixed at Rs 5160 w.e.f. 01.01.1996. It is borne out from the material on record, that the basic

pay of the petitioner was fixed at Rs 5160 w.e.f. 01.01.1996 after giving him the annual increment which had accrued w.e.f. 01.02.1996, his pay was fixed at Rs 5320 w.e.f. 01.02.1996. Thus, the plea that the petitioner was given less pay in revised pay scale w.e.f. 01.01.1996 is untenable when, the pay of petitioner and junior, Mohinder Singh was same at Rs 5160 as on 01.01.1996 and therefore, the claim of the petitioner for stepping up his pay with the pay of junior, namely Mohinder Singh, is devoid of any merit.

6. Now, coming to *second prayer* for release of Assured Career Progression Scheme as a Senior Assistant.

6(i). Facts reveal that petitioner was promoted as Senior Assistant in the month of September 2001 and on completion of 8 years of service as such in September 2009, he became eligible for *Proficiency Increment* under ACP Scheme w.e.f. September 2009 or such due date but this benefit has not been released to him, which has resulted in depriving

him of higher pay during service and the revised retiral benefits since retirement on 31.07.2011 till day.

State Authorities have admitted in Reply Affidavit that on completion of 8 years of service as Senior Assistant w.e.f. September 2009, petitioner was eligible and his case is being considered along with other eligible officials. Mere completion of the requisite service will not confer a vested right for grant of proficiency increment under ACP Scheme. Grant of proficiency increment is not automatic but is subject to fulfilment of parameters, which are akin to promotion, as prescribed under ACP scheme after due consideration. Petitioner has a limited right to be considered for grant of proficiency increment in terms of ACP Scheme. In these circumstances, this Court directs the State Authorities to consider the case of the petitioner for grant of p*roficiency Increment* under ACP Scheme, from the date of completion of 8 years of service as Senior Assistant in September 2009 or such like due date, subject to the fulfilment of other conditions-parameters under ACP Scheme. Upon consideration, in case,

the petitioner is found fit for grant of proficiency increment, then, resultant benefit be released w.e.f. September 2009 or like due date till retirement on 31.07.2011 and benefit of higher pay for all revised retiral benefits w.e.f. 01.08.2011 till day.

DIRECTIONS:

7. In view of above discussion and for the reasons recorded hereinabove, the instant petition is ***partly allowed***, in the following terms:-

(i) Rejection Orders passed by the State Authorities on 07.01.2011 [Annexure P-5] ***is upheld*** ;

(ii) No other additional increment in lieu of bunching or stagnation in basic pay is due to the petitioner in the revised pay scale w.e.f. 01.01.1996 ;

(iii) Additional bunching increment cannot be granted to the petitioner dehors the HPCS (Revised Pay) Rules notified on 20.01.1998 from 1.1.1996;

(iv) State Authorities are directed to consider the case of the petitioner for grant of "Proficiency Increment under Assured Career Progression Scheme, as Senior Assistant from September 2009 or such like due date, as per applicable norms;

(v) Upon consideration [as in direction no

(iv) above], in case, petitioner is found entitled for proficiency increment as Senior Assistant from September 2009 or like due date; the State Authorities shall release the same, with higher pay fixation benefits till retirement on 31.07.2011 ; and for releasing revised retiral benefits, with all consequential benefits;

(vi) State Authorities shall release benefits with all arrears [as in direction no (iv) & (v) above] within a period of four weeks from the receipt of certified/ downloaded copy of this judgement;

(vii). Failure to release the benefits as in direction no (vi) above, shall make the Respondnets liable for interest @ 6% per annum thereafter till realization; and

(ix). Costs made easy for respective parties.

In the aforesaid terms, the instant petition and all pending miscellaneous application(s), if any, shall accordingly stand disposed of.

(Ranjan Sharma)
Judge

October 30, 2025
[Bhardwaj]