IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.15344 of 2025

Decided on: 30.10.2025

Sachin Kumar Sharma & Ors **.....Petitioners**

Versus

State of H.P. and Ors **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioners: Mr. Shivom Vashista, Advocate.

For the Respondents: Mr. Y.P.S. Dhaulta, Additional Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Mr. Y.P.S.Dhaulta, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

Looking to the nature of the impugned order, grievances of the petitioner and the basis for assailing the impugned order, reply to the writ petition is not required to be called for. With consent of learned counsel for the parties, matter is heard at this stage.

2. Petitioners had instituted ***Sachin Kumar Sharma and Ors Versus State of Himachal Pradesh &***

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

Ors.[2] seeking higher pay scale on the strength of decision rendered in ***Mohit Sharma and Anr. Vs. State of H.P. and others***[3]. The writ petition was disposed of by directing the respondents to consider the case of the petitioners in light of *Mohit Sharma*[3] and pass order in accordance with law within 12 weeks, however, the respondents had not complied with judgment within the aforesaid period. Thereafter, petitioners preferred Execution Petition No.211 of 2025 and vide order dated 02.05.2025, respondents were directed to comply with the judgment in question within two weeks.

Pursuant thereto, respondent No.2 passed an office order on 17.06.2025 (Annexure P-7) and held that the petitioners were not similarly situated and was not covered by *Mohit Sharma*[3], hence, their case was rejected.

3. Feeling aggrieved, petitioners have preferred this writ petition.

4. Heard and considered the case file.

While rejecting the cases of the petitioners, respondent No.2 has held that petitioner had not completed two years of contractual service up to 30.09.2021. The Revised Pay Scale Rules 2022, notified by the State of H.P.,

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[2] CWP No.8887 of 2024, decided on 29.08.2024
[3] CWP No.1638 of 2024, decided on 29.11.2024.

were applicable to the persons appointed on regular basis to the services and posts in connection with the affairs of the State of Himachal Pradesh. Since the petitioners had not been appointed on regular basis up to 30.09.2021, therefore, decision in *Mohit Sharma*[3] was not applicable to them.

It appears that respondent No.2, while rejecting the case of the petitioners, has not appropriately considered the decision in *Mohit Sharma*[3], which, *inter-alia*, holds that irrespective of incumbent's previous nature of employment contractual/temporary etc., upon regularization of service, the employee becomes part of regular stream. With this change in his status, such employee becomes entitled to the benefit of Revised Pay Rules, 2022. Benefits of Revised Pay Rules, 2022 cannot be denied to the employees merely because they acquired the status of regular employees after promulgation of Revised Pay Rules. The date of notifying the Revised Pay Rules and bringing them into force from a particular date cannot be construed to mean that those who attain regular status subsequently are to be denied the benefits of higher/revised pay. Of course, such employees would get the benefit post their regularization. Portion from the decision relevant to the context, is extracted as under:-

"4(iii). It is not the case of the respondents that notification dated 03.01.2022 or the Revised Pay Rules, 2022, brought in force thereunder, are not to be made applicable to employees, who attain regular status after 03.01.2022. Irrespective of his previous nature of employment contractual/temporary etc., upon regularization of service, the employee becomes part of regular stream. With this change in his status, such employee becomes entitled to the benefit of Revised Pay Rules, 2022. Benefits of Revised Pay Rules, 2022, cannot be denied to the employees merely because they acquired the status of regular employees after promulgation of Revised Pay Rules. The date of notifying the Revised Pay Rules and bringing them into force from a particular date cannot be construed to mean that those who attain regular status subsequently are to be denied the benefits of higher/revised pay. Of course, such employees would get the benefit post their regularization. The Revised Pay Rules, 2022, restrict their applicability to regular employees. Therefore, the petitioners on becoming regular employees, upon fulfillment of conditions mentioned in the Rules are certainly entitled to higher stage of pay mentioned in the Rules. Any other interpretation would amount to creating classes within regular stream. Such differentiation would be discriminatory, unreasonable and violative of Articles 14 & 16 of the Constitution of India. There cannot be two pay scales in the same cadre for persons discharging same duties & responsibilities. Equals cannot be treated as unequal.

4(iv). Rule 7(A) inserted by amendment in the Revised Pay Rules, 2022, under the amendment notification dated 06.09.2022 has become part & parcel of the Revised Pay Rules, 2022, notified on 03.01.2022. Therefore, when the main Rules do not discriminate employees upon their acquiring regular status and are applicable to all regular employees subject to their respective & individual dates of attaining the eligibility for the benefits flowing from Revised Pay Rules, 2022, then the benefits of Rule 7(A) are also to be similarly accorded to the regular employees. Such of the employees, who have become regular after 03.01.2022 are to get benefits of the Revised Pay Rules, 2022, including Rule 7(A) upon their fulfilling the stipulated conditions. Thus, the petitioners on completing two

years of regular service are to be released revised pay scale as per Rule 7(A) of the Revised Pay Rules, 2022.

4(v). Even if Rule 7(A) of the Revised Pay Rules, 2022, is to be read independently of the Revised Pay Rules, 2022, which seems to be the misplaced contention of the State, then also the petitioners are entitled to the benefit of Rule 7(A). As in such situation also, it has to be held that Rule 7(A) does not place any embargo upon flow of benefits under it to the contractual employees, more so, upon their completing two years of regular service. The words used in Rule 7(A) pertaining to its applicability are "employees who are appointed before 03.01.2022," without making any distinction between contractual or regular appointment. Petitioners are appointees prior to 03.01.2022. Revised Pay Rules, 2022, therefore, become applicable upon regularization of contractual appointees and higher stage of pay provided under Rule 7(A) is to be released upon completing requisite number of years of regular service."

In the instant case, the impugned office order itself acknowledges in the table drawn therein that the petitioners had completed two years of continuous contract services in October, 2021. Their services were regularized in April, 2022.

5. *Prima-facie*, it appears that case of the petitioner is covered by *Mohit Sharma*[3], however, factual aspects are required to be examined by the competent authority. Hence, impugned office order dated 17.06.2025 (Annexure P-7) is quashed and set aside qua the petitioners. This shall be subject to costs of Rs.10,000/- to be deposited with the 'Chief Justice Disaster Relief Fund 2025' within ten days. Respondents /Competent Authority

is directed to consider and decide the case of the petitioners for grant of benefits under the Revised Pay Scale Rules, 2022 strictly in consonance with *Mohit Sharma*[3] and in accordance with law, within a period of three weeks from today. The order so passed, be also communicated to the petitioners.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

October 30, 2025
R.Atal