IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.8284 of 2022 a/w CWPs No.8316, 8925, 8926, 8927, 8945, 8972, 8982 of 2022, CWPs No.23, 25, 31, 32, 34, 35, 57, 58, 60, 80, 141, 142, 159, 171, 172, 228, 229, 231, 252, 255, 262, 263, 362, 387, 388, 471, 472, 4669 of 2023,CWPs No.1578, 2194.

Decided on: 07.04.2026

CWP No.8284 of 2022
Sh. Lekh Raj & others ... Petitioners

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.8316 of 2022
Sh. Bhagat Ram & another ... Petitioners

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.8925 of 2022
Sh. Krishnu Ram and another ... Petitioners

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.8926 of 2022
Smt. Rekha Devi and another ... Petitioners

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.8927 of 2022
Sh. Subhash Bhargava & another ... Petitioners

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.8945 of 2022
Sh. Vinay Kumar and another ... Petitioners

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.8972 of 2022
Sh. Yash Pal Sharma and another ... Petitioners

Versus

State of Himachal Pradesh and others … Respondents

CWP No.8982 of 2022
Sh. Arvind Bhargava & others … Petitioners

Versus

State of Himachal Pradesh and others … Respondents

CWP No.23 of 2023
Sh. Kapil Gupta … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.25 of 2023
Smt. Kamla Devi … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.31 of 2023
Sh. Surender Pal Singh … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.32 of 2023
Sh. Puran Chand … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.34 of 2023
Sh. Surinder Singh … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.35 of 2023
Sh. Jagtar Singh … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.57 of 2023
Sh. Neeta Devi … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.58 of 2023
Sh. Sandeep Kumar ... Petitioner

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.60 of 2023
Sh. Het Ram ... Petitioner

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.80 of 2023
Sh. Raj Kumar ... Petitioner

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.141 of 2023
Sh. Nitant Kumar ... Petitioner

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.142 of 2023
Sh. Sona Devi ... Petitioner

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.159 of 2023
Sh. Narinder Singh ... Petitioner

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.171 of 2023
Sh. Ram Dayal ... Petitioner

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.172 of 2023
Sh. Tara Chand ... Petitioner

Versus

State of Himachal Pradesh and others ... Respondents

CWP No.228 of 2023
Sh. Ravi Gautam ... Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.229 of 2023
Reena Devi … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.231 of 2023
Roshan Lal … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.252 of 2023
Sh. Shamsher Singh … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.255 of 2023
Rachna Kumari … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.262 of 2023
Bhagirathi … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.263 of 2023
Saroj Bala … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.362 of 2023
Devender Kumar … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.387 of 2023
Jai Chand … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.388 of 2023

Rajendra Kumar … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.471 of 2023
Smt. Palak Devi … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.472 of 2023
Surat Ram … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.4669 of 2023
Sh. Nagesh Kumar … Petitioner

Versus

State of Himachal Pradesh and others … Respondents

CWP No.1578 of 2024
Rajesh Kumar Sharma & others … Petitioners

Versus

State of Himachal Pradesh and others … Respondents

CWP No.2194 of 2024
Daya Devi & others … Petitioners

Versus

State of Himachal Pradesh and others … Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1]

For the petitioners:	Mr. Shivom Vashista, Advocate, in all the petitions.
For the respondents:	Mr. Anup Rattan, Advocate General, with Mr. Pushpinder Jaswal, Additional Advocate General, for the respondents-State, in all the petitions. M/s Rajesh Kosh and Tek Ram Sharma, Advocates, for the respondent/ Accountant

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

Ajay Mohan Goel, Judge (Oral)

De-linked from CWPs No.6428, 6487, 6692 and 6693 of 2024. As common issues of facts and law are involved in all these petitions they have been disposed of vide common order.

2. The petitioners herein who are the Head Teachers, serving in various schools of the State of Himachal Pradesh. They were initially recruited as JBT Teachers and subsequently stand promoted as Head Teachers as per the petitions. Their grievance is that the respondents-State started effecting recoveries from their pay without issuance of any Show Cause Notice etc. It is in this backdrop, that the petitioners have approached this Court with the prayer that the respondents be restrained from effecting recoveries from their wages, more so in light of the fact that the petitioners are serving as Class-III employees and recoveries from Class-III employees has been held to be impermissible in law by the Hon'ble Supreme Court.

3. On the other hand, the stand of the State is that as the petitioners have been paid the pay scale higher than the one to which they were entitled for, it is in this backdrop that recoveries are being effected. Learned Advocate General referred to Paras-2 and 4 of the preliminary submissions and submitted that the petitioners were not promoted as Head Teachers, but were simply placed as Head Teachers from the post of JBT Teachers and, therefore, they were not

entitled for the higher pay scale which erroneously stood granted to them and it is for this reason that now recoveries are being effected.

4. I have heard learned Counsel for the parties and have also carefully gone through the pleadings as well as documents appended therewith.

5. It is not in dispute that the petitioners are all Class-III, employees, presently serving as Head Teachers. It is also not in dispute that the recoveries which are being effected by the Department are on the ground that the petitioners after being placed as Head Teachers have been granted a higher pay scale to which they were otherwise legally not entitled.

6. Fact of the matter is that the petitioners happen to be Class-III employees. It is also a matter of record that higher pay scale, if any, granted to the petitioners was granted by the Department and the petitioners had no role in the conferment of the said higher pay scale.

7. Hon'ble Supreme Court of India, in *State of Punjab and others* Versus *Rafiq Masih (White Washer) and others, AIR 2015 SC 696*, has been pleased to cull out certain situations in which recovery is impermissible and one of the situations culled out by the Hon'ble Supreme Court is recovery from Class-III and Class-IV employees.

8. In light of the fact that the petitioners happen to be Class-III employees, recovery from them is impermissible in law in

light of the above pronouncement by the Hon'ble Supreme Court of India.

9. Therefore, as the act of the respondent-Department of effecting recoveries from the petitioners does violence to the law declared by the Hon'ble Supreme Court of India, these petitions are allowed and disposed of with the direction that no recoveries shall be effected from the petitioners by the Department on the ground that higher pay scale stood conferred upon them. The amount recovered from the petitioners, if any, till date shall be refunded back to them within three months from today.

10. However, it is clarified that this Court has not made any observation with regard to the conferment of higher pay scale to the petitioners erroneously and if that is the case, the Department is at liberty to proceed in the matter in accordance with law, but the only caveat is that recoveries will not be made from the petitioners in any situation whatsoever and rectification can be made prospectively.

11. At this stage, learned Counsel for the petitioners submits that the petitioners be given liberty to agitate the issue of Fundamental Rules-22 independently, if so advised, liberty granted. The petitions stand disposed of. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 07, 2026
(Rishi)