IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No: 8504 of 2025

alongwith

CWP Nos. 1323 of 2023, 2313 of 2023, 2421 of 2023, 3224 of 2023, 5453 of 2023, 5532 of 2023, 5544 of 2023, 5651 of 2023, 5788 of 2023, 5844 of 2023, 5847 of 2023, 5848 of 2023, 5849 of 2023, 5990 of 2023, 6023 of 2023, 6282 of 2023, 6283 of 2023, 6284 of 2023, 6345 of 2023, 6611 of 2023, 6952 of 2023, 7089 of 2023, 7152 of 2023, 7153 of 2023, 7158 of 2023, 7159 of 2023, 7160 of 2023, 7223 of 2023, 7244 of 2023, 7245 of 2023, 7246 of 2023, 7247 of 2023, 7248 of 2023, 7249 of 2023, 7250 of 2023, 7251 of 2023, 7252 of 2023, 7253 of 2023, 7254 of 2023, 7255 of 2023, 7335 of 2023, 7341 of 2023, 7376 of 2023, 7392 of 2023, 7394 of 2023, 7481 of 2023, 7644 of 2023, 7645 of 2023, 7646 of 2023, 7650 of 2023, 7699 of 2023, CWP No. 7857 of 2023, 7897 of 2023, 7957 of 2023, 7959 of 2023, 8039 of 2023, 8040 of 2023, 8043 of 2023, 8050 of 2023, 8059 of 2023, 8090 of 2023, 8097 of 2023, 8101 of 2023, 8104 of 2023, 8106 of 2023, 8177 of 2023, 8180 of 2023, 8192 of 2023, 8193 of 2023, 8233 of 2023, 8241 of 2023, 8242 of 2023, 8246 of 2023, 8256 of 2023, 8312 of 2023, 8501 of 2023, 8508 of 2023, 8559 of 2023, 8560 of 2023, 8561 of 2023, 8562 of 2023, 8563 of 2023, 8579 of 2023, 8581 of 2023, 8585 of 2023, 8587 of 2023, 8734 of 2023, 8742 of 2023, 8748 of 2023, 8749 of 2023, 8750 of 2023, 8751 of 2023, 8752 of 2023, 8754 of 2023, 8776 of 2023, 8940 of 2023, 9000 of 2023, 9001 of 2023, 9002 of 2023, 9176 of 2023, 9177 of 2023, 9179 of 2023, 9180 of 2023, 9217 of 2023, 9254 of 2023, 9255 of 2023, 9256 of 2023, 9257 of 2023, 9274 of 2023, 9312 of 2023, 9363 of 2023, 9387 of 2023, 9389 of 2023,

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of 2025, 16569 of 2025, 17356 of 2025, 18709 of 2025, 18875 of 2025, 19799 of 2025, 19801 of 2025, 20439 of 2025, LPA No. 557 of 2025, CMP (M) No. 147 of 2025 in CWP No. 7843 of 2023, CWP No.1477 of 2026, 4318 of 2026, 5615 of 2026, 6111 of 2026, 6816 of 2026, 7655 of 2026, 7657 of 2026 ; and Ex. Petition 53 of 2024 in CWP No. 7731 of 2023, Ex. Petition 70 of 2024 in CWP No. 7825 of 2023, Ex. Petition 71 of 2024 in CWP No.7927 of 2023 Ex. Petition 595 of 2024 in CWP No. 3336 of 2024, Ex. Petition 594 of 2024 in CWP No.3424 of 2024 & Ex. Petition 292 of 2024 in CWP No.2473 of 2023.

Reserved on: 01.07.2026
Pronounced on:31.10.2026

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1. CWP No: 8504 of 2025

MADHU DESHTA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

2. CWP No: 1323 of 2023

DURGA SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

3. CWP No: 2313 of 2023

SHER SINGH ...Petitioner

Versus

HRTC & Another ...Respondents

4. CWP No: 2421 of 2023

AMAR CHAND ...Petitioner

Versus

HRTC & Others ...Respondents

5. CWP No: 3224 of 2023

DUNI CHAND ...Petitioner

Versus

STATE OF HP & Others ...Respondents

6. CWP No: 5453 of 2023

RAVI KANT KAUSHAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

7. CWP No: 5532 of 2023

HIGH COURT STAFF PENSIONERS WELFARE ASSOCIATION ...Petitioner

Versus

STATE OF HP & Others ...Respondents

8. CWP No: 5544 of 2023

ASHOK KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

9. CWP No: 5651 of 2023

SUNIL KUMAR CHANDEL & Others ...Petitioners

Versus

STATE OF HP & Others ...Respondents

10. CWP No: 5788 of 2023

KULBHUSHAN LAL ...Petitioner

Versus

HRTC & Another ...Respondents

11. CWP No: 5844 of 2023

JAGDISH CHAND ...Petitioner

Versus

HRTC & Another ...Respondents

12. CWP No: 5847 of 2023

TAMESHWAR RAM ...Petitioner

Versus

HRTC & Another ...Respondents

13. CWP No: 5848 of 2023

ASHWANI KUMAR ...Petitioner

Versus

HRTC & Another ...Respondents

14. CWP No: 5849 of 2023

ROSHAN LAL ...Petitioner

Versus

HRTC & Another ...Respondents

15. CWP No: 5990 of 2023

BEENA SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

16. CWP No: 6023 of 2023

MANORMA DEVI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

17. CWP No: 6282 of 2023

RAMESHWARI DEVI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

18. CWP No: 6283 of 2023

SUBHASH CHAND ...Petitioner

Versus

STATE OF HP & Others ...Respondents

19. CWP No: 6284 of 2023

GAITRI DEVI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

20. CWP No: 6345 of 2023

SANTOSH KUMAR & Others ...Petitioner

Versus

STATE OF HP & Others ...Respondents

21. CWP No: 6611 of 2023

SURINDER SINGH ...Petitioner

Versus

STATE OF HP & Another ...Respondents

22. CWP No: 6952 of 2023

ROSHAN LAL KHAJURIA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

23. CWP No: 7089 of 2023

SUNDER LAL NEGI & Others ...Petitioner

Versus

STATE OF HP & Another ...Respondents

24. CWP No: 7152 of 2023

SARSWATI NANDAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

25. CWP No: 7153 of 2023

ROOP RAM SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

26. CWP No: 7158 of 2023

ONKAR SINGH SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

27. CWP No: 7159 of 2023

MANORMA SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

28. CWP No: 7160 of 2023

DESH RAJ ...Petitioner

Versus

STATE OF HP & Others ...Respondents

29. CWP No: 7223 of 2023

DAULAT RAM ...Petitioner

Versus

HRTC & Others ...Respondents

30. CWP No: 7244 of 2023

BALBIR SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

31. CWP No: 7245 of 2023

RAMESH CHAND ...Petitioner

Versus

STATE OF HP & Others ...Respondents

32. CWP No: 7246 of 2023

DEVINDER PAL ...Petitioner

Versus

STATE OF HP & Others ..Respondents

33. CWP No: 7247 of 2023

SUBHASH CHANDER ...Petitioner

Versus

STATE OF HP & Others ...Respondents

34. CWP No: 7248 of 2023

MANJEET SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

35. CWP No: 7249 of 2023

OM PRAKASH LAKHARWAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

36. CWP No: 7250 of 2023

SUBHASH RANA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

37. CWP No: 7251 of 2023

KASHMIR SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

38. CWP No: 7252 of 2023

KARAM CHAND VERMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

39. CWP No: 7253 of 2023

BIR SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

40. CWP No: 7254 of 2023

SURESH SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

41. CWP No: 7255 of 2023

BOMDHIR SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

42. CWP No: 7335 of 2023

NANDA RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

43. CWP No: 7341 of 2023

SURJEET SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

44. CWP No: 7376 of 2023

HP SECRETARIATE AND OTHER AFFILIATED PENSIONERS WELFARE ASSOCIATION ...Petitioner

Versus

STATE OF HP & Others ...Respondents

45. CWP No: 7392 of 2023

LOTUS KUMARI ...Petitioner

Versus

STATE OF HP & Another ...Respondents

46. CWP No: 7394 of 2023

NEELAM SAINI ...Petitioner

Versus

STATE OF HP & Another ...Respondents

47. CWP No: 7481 of 2023

HEAMENDER KUMAR SHARMA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

48. CWP No: 7644 of 2023

SATYA VRATA SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

49. CWP No: 7645 of 2023

BALBIR SINGH BARWAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

50. CWP No: 7646 of 2023

SATISH KAUL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

51. CWP No: 7650 of 2023

RAJ KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

52. CWP No: 7699 of 2023

JAI RAM ...Petitioner

Versus

HRTC & Others ...Respondents

53. CWP No: 7857 of 2023

C.K. CHATURVEDI ...Petitioner

Versus

HPSEBL ...Respondents

54. CWP No: 7897 of 2023

GIAN CHAND BHATT ...Petitioner

Versus

HPSEBL ...Respondents

55. CWP No: 7957 of 2023

ARUN KUMAR GUPTA ...Petitioner

Versus

HPSEBL ...Respondents

56. CWP No: 7959 of 2023

HARISH KUMAR ...Petitioner

Versus

HPSEBL ...Respondents

57. CWP No: 8039 of 2023

JIWAN SINGH THAKUR ...Petitioner

Versus

HPSEBL ...Respondents

58. CWP No: 8040 of 2023

PUSHAPHAS KUMAR SHARMA ...Petitioner

Versus

HPSEBL ...Respondents

59. CWP No: 8043 of 2023

BALJEET SINGH THAKUR & Others ...Petitioner

Versus

STATE OF HP & Others ...Respondents

60. CWP No: 8050 of 2023

OM PRAKASH SHAMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

61. <u>CWP No: 8059 of 2023</u>

CHAMAN LAL ...Petitioner

Versus

HPSEBL ...Respondents

62. <u>CWP No: 8090 of 2023</u>

KUSUM AGGARWAL ...Petitioner

Versus

STATE OF HP & Another ...Respondents

63. <u>CWP No: 8097 of 2023</u>

RAMESH CHAND THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

64. <u>CWP No: 8101 of 2023</u>

RAJ KUMAR SHARMA ...Petitioner

Versus

HPSEBL ...Respondents

65. <u>CWP No. 8104 of 2023</u>

SANTOSH MONGRA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

66. <u>CWP No: 8106 of 2023</u>

ANITA GUPTA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

67. <u>CWP No: 8177 of 2023</u>

VIJAY KUMARI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

68. CWP No: 8180 of 2023

UMESH KUMAR GUPTA ...Petitioner

Versus

HPSEBL ...Respondents

69. CWP No: 8192 of 2023

RAMESH CHAUHAN ...Petitioner

Versus

HPSEBL ...Respondents

70. CWP No: 8193 of 2023

NEEL KANTH DUTTA ...Petitioner

Versus

HPSEBL ...Respondents

71. CWP No: 8233 of 2023

CHUNI LAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

72. CWP No: 8241 of 2023

DILBAG SINGH RANA ...Petitioner

Versus

HPSEBL ...Respondents

73. CWP No: 8242 of 2023

SANJEEV KUMAR GUPTA ...Petitioner

Versus

HPSEBL ...Respondents

74. CWP No: 8246 of 2023

SURINDER KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

75. <u>CWP No: 8256 of 2023</u>

SHER SINGH ...Petitioner

Versus

HPSEBL ...Respondents

76. <u>CWP No: 8312 of 2023</u>

RAM KRISHAN KAUNDAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

77. <u>CWP No: 8501 of 2023</u>

NEELAM SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

78. <u>CWP No: 8508 of 2023</u>

SURESH KUMAR GUPTA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

79. <u>CWP No: 8559 of 2023</u>

SOHAN LAL THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

80. <u>CWP No: 8560 of 2023</u>

PREM LAL VERMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

81. <u>CWP No: 8561 of 2023</u>

HET RAM KAUNDAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

82. CWP No: 8562 of 2023

REKHA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

83. CWP No: 8563 of 2023

SUBHASH CHAND ...Petitioner

Versus

STATE OF HP & Others ...Respondents

84. CWP No: 8579 of 2023

LEKH RAM ...Petitioner

Versus

HRTC & Others ...Respondents

85. CWP No: 8581 of 2023

MURARI LAL ...Petitioner

Versus

HRTC & Others ...Respondents

86. CWP No: 8585 of 2023

KARTAR SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

87. CWP No: 8587 of 2023

KARTAR SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

88. CWP No: 8734 of 2023

MOHINDER SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

89. CWP No: 8742 of 2023

SOHAN SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

90. CWP No: 8748 of 2023

SATISH KUMAR SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

91. CWP No: 8749 of 2023

DHANI RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

92. CWP No: 8750 of 2023

TRIPTA GUPTA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

93. CWP No: 8751 of 2023

RAMESH CHAND ...Petitioner

Versus

STATE OF HP & Others ...Respondents

94. CWP No: 8752 of 2023

YADVENDER KUMAR SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

95. CWP No: 8754 of 2023

DHARAM SINGH THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

96. CWP No: 8776 of 2023

SURYA PRAKASH ...Petitioner

Versus

STATE OF HP & Another ...Respondents

97. CWP No: 8940 of 2023

SHIV RAM TANWAR ...Petitioner

Versus

STATE OF HP & Others ..Respondents

98. CWP No: 9000 of 2023

BHAGAT RAM TANWAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

99. CWP No: 9001 of 2023

ANIL KUMAR SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

100. CWP No: 9002 of 2023

ANANT RAM SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

101. CWP No: 9176 of 2023

LACHHI RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

102. CWP No: 9177 of 2023

VEENA SEN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

103. CWP No: 9179 of 2023

PURAN CHAND ...Petitioner

Versus

STATE OF HP & Others ...Respondents

104. CWP No: 9180 of 2023

DEVI SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

105. CWP No: 9217 of 2023

ANU KAISTHA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

106. CWP No: 9254 of 2023

TILAK RAJ ...Petitioner

Versus

STATE OF HP & Others ...Respondents

107. CWP No: 9255 of 2023

SURESH KUMAR THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

108. CWP No: 9256 of 2023

SUSHIL KUMAR RANA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

109. CWP No: 9257 of 2023

RAJESH KAPATIA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

110. CWP No: 9274 of 2023

SUMAN LATA ...Petitioner

Versus

HPSEBL ...Respondents

111. CWP No: 9312 of 2023

BRIJ LAL SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

112. CWP No: 9363 of 2023

PREM CHAND ...Petitioner

Versus

HRTC & Others ...Respondents

113. CWP No: 9387 of 2023

SUSHIL KUMAR ...Petitioner

Versus

HRTC & Others ..Respondents

114. CWP No: 9389 of 2023

GOPAL SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

115. CWP No: 9471 of 2023

NARESH KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

116. CWP No: 9534 of 2023

RAJINDER SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

117. CWP No: 9546 of 2023

PREM LAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

118. CWP No: 9547 of 2023

SOLU RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

119. CWP No: 9581 of 2023

MADAN LAL JOSHI AND ANR. ...Petitioner

Versus

STATE OF HP & Others ...Respondents

120. CWP No: 9675 of 2023

HIRA SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

121. CWP No: 9703 of 2023

BAHADUR SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

122. CWP No: 9767 of 2023

MEHAR CHAND ...Petitioner

Versus

STATE OF HP & Others ...Respondents

123. CWP No. 9768 of 2023

BHIMI RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

124. CWP No: 9769 of 2023

DURGA RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

125. CWP No: 9770 of 2023

DILJAS RAI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

126. CWP No: 9849 of 2023

HET RAM ...Petitioner

Versus

HRTC & Others ...Respondents

127. CWP No: 9851 of 2023

HAMENDER SHARMA ...Petitioner

Versus

HRTC & Others ...Respondents

128. CWP No: 9853 of 2023

SHER SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

129. CWP No: 9885 of 2023

RAM GOPAL ...Petitioner

Versus

HRTC & Others ...Respondents

130. CWP No: 9887 of 2023

SADIK MOHAMMAD ...Petitioner

Versus

HRTC & Others ...Respondents

131. CWP No: 9889 of 2023

DAVINDER KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

132. CWP No: 9898 of 2023

ROSHAN LAL ...Petitioner

Versus

HRTC & Others ...Respondents

133. CWP No: 9907 of 2023

PURSHOTAM RAM ...Petitioner

Versus

HRTC & Others ...Respondents

134. CWP No: 9909 of 2023

KANSHI RAM ...Petitioner

Versus

HRTC & Others ...Respondents

135. CWP No: 9948 of 2023

SURESH KUMAR PATHAK ...Petitioner

Versus

STATE OF HP & Another ...Respondents

136. CWP No: 9964 of 2023

PUSHPA DEVI ...Petitioner

Versus

HPU & Another ...Respondents

137. CWP No: 10023 of 2023

RAMESH KUMAR KAUNDAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

138. CWP No: 10054 of 2023

RANJANA MALHOTRA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

139. CWP No: 10091 of 2023

RAJ KUMAR ...Petitioner

Versus

STATE OF HP & Another ...Respondents

140. CWP No. 10101 of 2023

NEELAM SHARMA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

141. CWP No: 10102 of 2023

PARESH PRABHAKAR ...Petitioner

Versus

STATE OF HP & Another ...Respondents

142. CWP No: 10103 of 2023

AJAY KUMAR KAHOL ...Petitioner

Versus

STATE OF HP & Another ...Respondents

143. CWP No: 10121 of 2023

VANDANA BADHWAR ...Petitioner

Versus

STATE OF HP & Another ...Respondents

144. CWP No: 10122 of 2023

RAM PAUL BHARDWAJ ...Petitioner

Versus

STATE OF HP & Another ...Respondents

145. CWP No: 10123 of 2023

SANJEEV SHARMA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

146. CWP No: 10124 of 2023

ANIL RATTAN VERMA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

147. CWP No: 10125 of 2023

ANIL THAKUR ...Petitioner

Versus

STATE OF HP & Another ...Respondents

148. CWP No: 10126 of 2023

INDER DEV SHARMA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

149. CWP No: 10127 of 2023

YASH PAUL SAINI ...Petitioner

Versus

STATE OF HP & Another ...Respondents

150. CWP No: 10128 of 2023

VIJAY KUMAR DUTTA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

151. CWP No: 10129 of 2023

TRILOK CHAND ...Petitioner

Versus

STATE OF HP & Another ...Respondents

152. CWP No: 10130 of 2023

SUBHASH CHANDER CHAUDHARY ...Petitioner

Versus

STATE OF HP & Another ...Respondents

153. CWP No: 10274 of 2023

SURESH KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

154. CWP No: 10280 of 2023

DEVINDER SINGH KUTAAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

155. CWP No: 10356 of 2023

BHIM SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

156. CWP No: 10450 of 2023

CHANDER PRAKASH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

157. CWP No: 10490 of 2023

SARWAN KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

158. CWP No: 10551 of 2023

HET RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

159. CWP No. 10552 of 2023

PRAKASH CHAND THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

160. CWP No: 10553 of 2023

MADAN LAL THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

161. CWP No: 10554 of 2023

RAJENDER SEN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

162. CWP No: 10581 of 2023

JAGAT SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

163. CWP No: 10585 of 2023

PRATAP SINGH ...Petitioner

Versus

STATE OF HP & Another ...Respondents

164. CWP No: 10660 of 2023

SUDHAKAR PRASAD ...Petitioner

Versus

STATE OF HP & Others ....Respondents

165. CWP No: 10661 of 2023

HARI RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

166. CWP No: 10663 of 2023

PREM LAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

167. CWP No: 10680 of 2023

RAJ KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

168. CWP No: 10687 of 2023

KARAM CHAND ...Petitioner

Versus

HRTC & Others ...Respondents

169. CWP No: 10734 of 2023

NAVEEN PURI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

170. CWP No: 10760 of 2023

GIAN CHAND ...Petitioner

Versus

HRTC & Others ...Respondents

171. CWP No: 10761 of 2023

BHIM SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

172. CWP No: 10764 of 2023

VIDYA SAGAR ...Petitioner

Versus

HRTC & Others ...Respondents

173. CWP No: 10830 of 2023

NARINDER CHAUHAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

174. CWP No: 10832 of 2023

TULSI RAM ...Petitioner

Versus

HRTC & Others ...Respondents

175. CWP No: 10841 of 2023

PAL SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

176. CWP No: 10843 of 2023

SUBHASH CHAND ...Petitioner

Versus

HRTC & Others ...Respondents

177. CWP No: 10845 of 2023

USHA DEVI ...Petitioner

Versus

HRTC & Others ...Respondents

178. CWP No: 10862 of 2023

SANJAY SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

179. CWP No: 10863 of 2023

NARESH KUMAR VASHIST ...Petitioner

Versus

STATE OF HP & Others ...Respondents

180. CWP No: 10945 of 2023

PADAM DEV ...Petitioner

Versus

HRTC & Others ...Respondents

181. CWP No: 10958 of 2023

AHILYA KAPOOR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

182. CWP No: 10959 of 2023

ASHOK KUMAR ...Petitioner

Versus

STATE OF HP & Another ...Respondents

183. CWP No: 54 of 2024

MAHESH KUMAR SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

184. CWP No: 56 of 2024

MAHINDER SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

185. CWP No: 71 of 2024

SUBHASH CHAND ...Petitioner

Versus

HRTC & Others ...Respondents

186. CWP No: 176 of 2024

PREM LAL SHARMA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

187. CWP No: 255 of 2024

PARAM DEV ...Petitioner

Versus

STATE OF HP & Others ...Respondents

188. CWP No: 303 of 2024

DURGA DASS ...Petitioner

Versus

STATE OF HP & Others ...Respondents

189. CWP No: 379 of 2024

NARENDER KUMAR GUPTA & Others ...Petitioners

Versus

STATE OF HP & Others ...Respondents

190. CWP No: 407 of 2024

NARINDER MOHAN SAINI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

191. CWP No: 408 of 2024

KAMLA SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

192. CWP No: 749 of 2024

RAJINDER PAL ...Petitioner

Versus

HRTC & Others ...Respondents

193. CWP No: 777 of 2024

TARA CHAND ...Petitioner

Versus

HRTC & Others ...Respondents

194. CWP No: 988 of 2024

ASHWANI KUMAR ...Petitioner

Versus

HPSEBL ...Respondents

195. CWP No: 1101 of 2024

SUSHIL KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

196. CWP No: 1561 of 2024

ANJANA KUMARI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

197. CWP No: 1659 of 2024

SURINDER SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

198. CWP No: 1978 of 2024

MANOHAR LAL SHARMA ...Petitioner

Versus

HONOURABLE HIGH COURT OF HP & Another ...Respondents

199. CWP No: 505 of 2024

GANGA RAM ...Petitioner

Versus

HRTC & Others ...Respondents

200. CWP No: 2676 of 2024

KANWARJEET SINGH MALHOTRA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

201. CWP No. 2820 of 2024

RAMESH CHAND PARIHAR ...Petitioner

Versus

HPSEBL ...Respondents

202. CWP No: 3001 of 2024

SUMAN RAWAT ...Petitioner

Versus

STATE OF HP &Others ...Respondents

203. CWP No: 3049 of 2024

PREM LAL SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

204. CWP No: 3263 of 2024

RAMPAL ...Petitioner

Versus

HRTC & Others ...Respondents

205. CWP No: 3351 of 2024

RAVI SHANKAR ...Petitioner

Versus

HRTC & Others ...Respondents

206. CWP No: 3560 of 2024

PUNEET VATSAL ...Petitioner

Versus

HPSEBL ...Respondents

207. CWP No: 3761 of 2024

SATISH KUMAR ...Petitioner

Versus

HRTC & Another ...Respondents

208. CWP No: 3762 of 2024

RATTAN LAL ...Petitioner

Versus

HRTC & Another ...Respondents

209. CWP No: 3810 of 2024

YOGINDER KUMAR THAKUR ...Petitioner

Versus

HPSEBL ...Respondents

210. CWP No: 3837 of 2024

DEEPINDER SINGH BATTO ...Petitioner

Versus

HPSEBL ...Respondents

211. CWP No: 3947 of 2024

RAMESH CHAND SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

212. CWP No: 4345 of 2024

CHANCHAL DASS ...Petitioner

Versus

HRTC & Others ...Respondents

213. CWP No: 4382 of 2024

JEET RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

214. CWP No: 5070 of 2024

BAL KRISHAN VERMA & Others ...Petitioner

Versus

STATE OF HP & Others ...Respondents

215. CWP No: 5085 of 2024

RAJINDER PAL RANA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

216. CWP No: 5307 of 2024

KAILASH CHAND THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

217. CWP No: 5478 of 2024

VIPAN KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

218. CWP No: 5557 of 2024

UDHAM LAL CHAUHAN & Others ...Petitioner

Versus

State of H.P. and others ...Respondents

219. CWP No: 5635 of 2024

ANJU SOOD ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

220. CWP No: 5636 of 2024

RAM KARAN ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

221. CWP No: 5637 of 2024

JAI CHAND VERMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

222. CWP No: 5638 of 2024

USHA RANI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

223. CWP No: 5639 of 2024

KRISHAN DUTT SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

224. CWP No: 5640 of 2024

SHASHI KANTA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

225. CWP No: 5641 of 2024

VIDYA KAPTA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

226. CWP No: 5668 of 2024

JIT SINGH & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

227. CWP No: 5753 of 2024

ASHWANI KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

228. CWP No: 5755 of 2024

KHUSHI RAM ...Petitioner

Versus

HRTC & Others ...Respondents

229. CWP No: 5860 of 2024

RAJESHWAR SINGH DUTTA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

230. CWP No: 5870 of 2024

KAMLA SHARMA ...Petitioner

Versus

HRTC & Others ...Respondents

231. CWP No: 5889 of 2024

ANIL KUMAR & Others ...Petitioner

Versus

STATE OF HP & Others ...Respondents

232. CWP No: 5948 of 2024

NISHA GUPTA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

233. CWP No: 5949 of 2024

THAKUR SAIN KAPTA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

234. CWP No: 5975 of 2024

VIJAY KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

235. CWP No: 5977 of 2024

RAJ KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

236. CWP No: 6041 of 2024

KRISHAN KUMAR SHARMA ...Petitioner

Versus

STATE OF HP ...Respondents

237. CWP No: 6043 of 2024

GURVINDER PAL SINGH ...Petitioner

Versus

STATE OF HP ...Respondents

238. CWP No: 6045 of 2024

RAJ KUMAR KANWAR ...Petitioner

Versus

STATE OF HP & Another ...Respondents

239. CWP No: 6047 of 2024

ASHOK KUMAR ...Petitioner

Versus

STATE OF HP & Another ...Respondents

240. CWP No: 6055 of 2024

RAJINDER SINGH PAL ...Petitioner

Versus

HPSEBL & Another ...Respondents

241. CWP No: 6101 of 2024

BISHAN DASS ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

242. CWP No: 6131 of 2024

HAR PARKASH ...Petitioner

Versus

HRTC & Others ...Respondents

243. CWP No: 6185 of 2024

MURARI LAL ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

244. CWP No: 6187 of 2024

DEVKU RAM ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

245. CWP No: 6215 of 2024

SUSHIL KUMAR SHARMA ...Petitioner

Versus

HPSEBL ...Respondents

246. CWP No: 6221 of 2024

HARI DASS BANOLTA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

247. CWP No: 6249 of 2024

PARAS RAM VERMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

248. CWP No: 6405 of 2024

NANAK CHAND ...Petitioner

Versus

STATE OF HP & Others ...Respondents

249. CWP No: 6407 of 2024

ATMA RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

250. CWP No: 6409 of 2024

HARBHAJAN SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

251. CWP No: 6564 of 2024

RAMESH THAKUR ...Petitioner

Versus

STATE OF HP & Another ...Respondents

252. CWP No: 6566 of 2024

PARWATI DEVI VERMA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

253. CWP No: 6615 of 2024

DEVENDER PAL SINGH ...Petitioner

Versus

HPSEBL ...Respondents

254. CWP No: 6665 of 2024

CHAIN SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

255. CWP No: 6667 of 2024

KRISHAN DATT SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

256. CWP No: 6668 of 2024

JEET RAM SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

257. CWP No: 6669 of 2024

VIRENDER SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

258. CWP No: 6670 of 2024

SUNDER SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

259. CWP No: 6721 of 2024

RADHA RANI SOOD ...Petitioner

Versus

STATE OF HP & Others ...Respondents

260. CWP No: 6723 of 2024

SHAKUNTLA DEVI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

261. CWP No: 6724 of 2024

GANGA RAM SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

262. CWP No: 6725 of 2024

AMAR SINGH VERMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

263. CWP No: 6726 of 2024

RAJ SOOD ...Petitioner

Versus

STATE OF HP & Others ...Respondents

264. CWP No: 6727 of 2024

KALA DEVI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

265. CWP No: 6779 of 2024

SITA RAM SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

266. CWP No: 6780 of 2024

SUBHASH CHAND ...Petitioner

Versus

STATE OF HP & Others ...Respondents

267. CWP No: 6781 of 2024

SATISH KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

268. CWP No: 6782 of 2024

KUSHAL SINGH REHALIA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

269. CWP No: 6802 of 2024

KHIMA RAM VERMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

270. CWP No: 6815 of 2024

JOGINDER SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

271. CWP No: 6816 of 2024

BRAHAM DASS ...Petitioner

Versus

HRTC & Others ...Respondents

272. CWP No: 6868 of 2024

VIRENDER THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

273. CWP No: 6869 of 2024

MOHAN LAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

274. CWP No: 6871 of 2024

MADHU SANGHAIK ...Petitioner

Versus

STATE OF HP & Others ...Respondents

275. CWP No: 6873 of 2024

SUNITA RAONGTA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

276. CWP No: 6931 of 2024

JOGINDER KUMAR ...Petitioner

Versus

HRTC & Another ...Respondents

277. CWP No: 6947 of 2024

SOHAN LAL & Others ...Petitioner

Versus

STATE OF HP & Others ...Respondents

278. CWP No: 6979 of 2024

OM SWAROOP SHARMA & Others ...Petitioner

Versus

HPSEBL & Others ...Respondents

279. CWP No: 6983 of 2024

JEET SINGH DHARMANI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

280. CWP No: 7020 of 2024

RAJINDER KUMAR SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

281. CWP No: 7249 of 2024

NAND LAL SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

282. CWP No: 7305 of 2024

NRIPENDRA KUMAR ...Petitioner

Versus

State of H.P. and others ...Respondents

283. CWP No: 7306 of 2024

ANOOP ANAND BHATNAGAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

284. CWP No: 7341 of 2024

DHANI RAM CHANDEL ...Petitioner

Versus

STATE OF HP & Others ..Respondents

285. CWP No: 7371 of 2024

NIRAJ PALIWAL ...Petitioner

Versus

STATE OF H P & Others ...Respondents

286. CWP No: 7598 of 2024

NASIR ALI KADRI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

287. CWP No: 7605 of 2024

JAGDISH SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

288. CWP No: 7621 of 2024

OM PRAKASH SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

289. CWP No: 7715 of 2024

MANOJ KUMAR SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

290. CWP No: 7725 of 2024

RAKESH SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

291. CWP No: 7771 of 2024

SHAMBU SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

292. CWP No: 7772 of 2024

UMESH SHARMA & Another ...Petitioner

Versus

STATE OF HP & Others ...Respondents

293. CWP No: 7803 of 2024

NAND LAL SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

294. CWP No: 7910 of 2024

MEENA BAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

295. CWP No: 7911 of 2024

PUSHPINDER MALIK ...Petitioner

Versus

STATE OF HP & Others ...Respondents

296. CWP No: 7973 of 2024

MEENA GOYAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

297. CWP No: 7977 of 2024

DHARAM CHAND ...Petitioner

Versus

HRTC & Another ...Respondents

298. CWP No: 8016 of 2024

GULZAR HASSAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

299. CWP No: 8094 of 2024

BHAWANI SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

300. CWP No: 8121 of 2024

SITA DEVI & Another ...Petitioner

Versus

STATE OF HP & Others ...Respondents

301. CWP No: 8166 of 2024

RAMESHWAR KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

302. CWP No: 8167 of 2024

SHANTI THAKUR & Another ...Petitioner

Versus

STATE OF HP & Others ...Respondents

303. CWP No: 8185 of 2024

PREM SUKH ...Petitioner

Versus

HRTC & Others ...Respondents

304. CWP No: 8257 of 2024

KAMAL KISHORE ...Petitioner

Versus

STATE OF HP & Others ...Respondents

305. CWP No: 8261 of 2024

YASHWANT SINGH PATHANIA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

306. CWP No: 8263 of 2024

HEMRAJ ...Petitioner

Versus

STATE OF HP & Others ...Respondents

307. CWP No: 8266 of 2024

VIDYA SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

308. CWP No: 8272 of 2024

BRINDER CHAUHAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

309. CWP No: 8477 of 2024

KEWAL KRISHAN KAPOOR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

310. CWP No: 8478 of 2024

ANIL MANUJA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

311. CWP No: 8497 of 2024

JAGDISH THAKUR & Others ...Petitioner

Versus

STATE OF HP & Another ...Respondents

312. CWP No: 8512 of 2024

MOHINDER PAUL ...Petitioner

Versus

HRTC & Others ...Respondents

313. CWP No: 8531 of 2024

VIKRAM JEET SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

314. CWP No: 8593 of 2024

RAJESHWAR SINGH JASWAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

315. CWP No: 8600 of 2024

BHAGWATI PRASAD KOTHARI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

316. CWP No: 8609 of 2024

DALIP SINGH CHAUHAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

317. CWP No: 8654 of 2024

SANJEEV SOOD ...Petitioner

Versus

STATE OF HP & Others ...Respondents

318. CWP No: 8655 of 2024

VED PRAKASH SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

319. CWP No: 8664 of 2024

RAM RATTAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

320. CWP No: 8665 of 2024

PREM THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

321. CWP No: 8667 of 2024

SHIV KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

322. CWP No: 8725 of 2024

VANA JYOTSANA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

323. CWP No: 8731 of 2024

RAJ KUMAR DOGRA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

324. CWP No: 8837 of 2024

JEEVAN LAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

325. CWP No: 8840 of 2024

BRIJ LAL THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

326. CWP No: 8843 of 2024

DALIP SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

327. CWP No: 8844 of 2024

GULAB SINGH KANWAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

328. CWP No: 8845 of 2024

ROSHAN LAL LACKTOO ...Petitioner

Versus

STATE OF HP & Others ...Respondents

329. CWP No: 8897 of 2024

BALBIR BAHADUR SINGH SUNTA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

330. CWP No: 8898 of 2024

RAMAN RANI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

331. CWP No: 8899 of 2024

MOTI LAL NEGI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

332. CWP No: 8900 of 2024

DALEEP SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

333. CWP No: 8901 of 2024

HEM PRABHA CHAUHAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

334. CWP No: 8902 of 2024

PAWAN KUMAR BHARDWAJ ...Petitioner

Versus

STATE OF HP & Others ...Respondents

335. CWP No: 8905 of 2024

RAJ KUMAR & Another ...Petitioner

Versus

STATE OF HP & Others ...Respondents

336. CWP No: 8907 of 2024

HARI DASS CHAUHAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

337. CWP No: 8945 of 2024

MADAN LAL SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

338. CWP No: 8948 of 2024

HARDYAL SINGH ...Petitioner

Versus

STATE OF HP & Another ...Respondents

339. CWP No: 8977 of 2024

VINOD KUMAR THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

340. CWP No: 8989 of 2024

SUJATA SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

341. CWP No: 9050 of 2024

MANOHAR LAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

342. CWP No: 9051 of 2024

MAHIMA VERMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

343. CWP No: 9078 of 2024

LALIT SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

344. CWP No: 9079 of 2024

PUSHPA DEVI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

345. CWP No: 9080 of 2024

HARI SINGH CHAUHAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

346. CWP No. 9081 of 2024

JEET SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

347. CWP No. 9082 of 2024

MADAN LAL RANOTE ...Petitioner

Versus

STATE OF HP & Others ...Respondents

348. CWP No: 9083 of 2024

SHANKAR SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

349. CWP No: 9096 of 2024

GAURI DUTT SHARMA & Others ...Petitioner

Versus

STATE OF HP & Others ...Respondents

350. CWP No: 9101 of 2024

CHANDERJOT SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

351. CWP No: 9151 of 2024

PREM SINGH & Others ...Petitioner

Versus

STATE OF HP & Others ...Respondents

352. CWP No: 9186 of 2024

RAM DASS PARWANA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

353. CWP No: 9189 of 2024

NARESH CHAND SHARMA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

354. CWP No: 9199 of 2024

LAL CHAND SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

355. CWP No: 9200 of 2024

RAJINDER SINGH THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

356. CWP No: 9202 of 2024

MADAN LAL SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

357. CWP No: 9221 of 2024

NAVNEET HANDA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

358. CWP No: 9223 of 2024

AJAY PATHANIA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

359. CWP No: 9224 of 2024

NARESH SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

360. CWP No: 9231 of 2024

ASHOK HANDA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

361. CWP No: 9253 of 2024

SURENDER PAUL KASHYAP ...Petitioner

Versus

STATE OF HP & Others ...Respondents

362. CWP No: 9254 of 2024

MANGAT RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

363. CWP No: 9255 of 2024

MAN SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

364. CWP No: 9256 of 2024

GULABA RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

365. CWP No: 9257 of 2024

ACHHAR SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

366. CWP No: 9258 of 2024

KRISHAN CHAND THAKUR ...Petitioner

Versus

STATE OF HP & Another ...Respondents

367. CWP No: 9259 of 2024

BAHADUR SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

368. CWP No: 9260 of 2024

PURAN CHAND ...Petitioner

Versus

STATE OF HP & Others ...Respondents

369. CWP No: 9268 of 2024

MADHU BALA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

370. CWP No: 9311 of 2024

KULDIP SINGH JASWAL ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

371. CWP No: 9312 of 2024

NARINDER KUMAR GUPTA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

372. CWP No: 9343 of 2024

PUNAM JAIN ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

373. CWP No: 9344 of 2024

RAVINDER SINGH RANA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

374. CWP No: 9353 of 2024

RAJESH KUMAR VERMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

375. CWP No: 9363 of 2024

BALBIR KUMAR THAKUR ...Petitioner

Versus

THE STATE OF HP & Others ..Respondents

376. CWP No: 9365 of 2024

SANT RAM RANA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

377. CWP No: 9376 of 2024

DALIP SINGH ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

378. CWP No: 9427 of 2024

BIJENDER SINGH RANA & Another ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

379. CWP No: 9445 of 2024

DEVESHWAR PANDEY ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

380. CWP No: 9453 of 2024

DEEP RAM SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

381. CWP No: 9469 of 2024

SURESH KUMAR VERMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

382. CWP No: 9470 of 2024

RAJESH KUMAR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

383. CWP No: 9471 of 2024

YASH PAL SINGH VERMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

384. CWP No: 9472 of 2024

MAHESH GUPTA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

385. CWP No: 9473 of 2024

RAKESH SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

386. CWP No: 9489 of 2024

KAMLESH KHANNA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

387. CWP No: 9507 of 2024

SARWAN SINGH GULERIA ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

388. CWP No: 9508 of 2024

GHANSHYAM THAKUR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

389. CWP No: 9551 of 2024

BHAGAT RAM ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

390. CWP No: 9681 of 2024

BHAG SINGH & Another ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

391. CWP No: 9845 of 2024

DHARAM SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

392. CWP No: 9848 of 2024

NIKKA RAM ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

393. CWP No: 9850 of 2024

KHEM CHAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

394. CWP No: 9852 of 2024

VIJAY KUMAR & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

395. CWP No: 9859 of 2024

KRISHAN LAL ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

396. CWP No: 9860 of 2024

YASHWANT SINGH PALSRA ...Petitioner

Versus

THE STATE OF HP & Others ..Respondents

397. CWP No: 9888 of 2024

SHAKTI AWASTHI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

398. CWP No: 9893 of 2024

JAWAHAR SARUP ...Petitioner

Versus

STATE OF HP & Others ...Respondents

399. CWP No: 9894 of 2024

ARVIND KUMAR SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

400. CWP No: 9902 of 2024

LAIQ RAM CHAUHAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

401. CWP No: 9903 of 2024

KAMAL KRISHAN GUPTA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

402. CWP No: 9905 of 2024

LAIQ RAM ...Petitioner

Versus

STATE OF HP & Others ...Respondents

403. CWP No: 10009 of 2024

MOHAN LAL BHARDWAJ ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

404. CWP No: 10043 of 2024

JEET RAM ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

405. CWP No: 10050 of 2024

MANOHAR LAL ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

406. CWP No: 10054 of 2024

SANDHYA DEVI ...Petitioner

Versus

THE STATE OF HP & Others ,..Respondents

407. CWP No: 10062 of 2024

GANGA KUMAR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

408. CWP No: 10063 of 2024

KESHAV SINGH NEGI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

409. CWP No: 10182 of 2024

PRAKASH CHAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

410. CWP No: 10184 of 2024

RAM SWAROOP ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

411. CWP No: 10202 of 2024

BAM DEV SHARMA & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

412. CWP No: 10205 of 2024

SANTOSH KUMAR BHARDWAJ ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

413. CWP No: 10225 of 2024

RAVINDER SINGH ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

414. CWP No: 10257 of 2024

NIMA CHHERING ...Petitioner

Versus

THE STATE OF HP & Others ..Respondents

415. CWP No: 10259 of 2024

DESH RAJ ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

416. CWP No: 10261 of 2024

NARENDER SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

417. CWP No: 10262 of 2024

ONKAR CHAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

418. CWP No: 10314 of 2024

LAHOR SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

419. CWP No: 10315 of 2024

BIRBAL SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

420. CWP No: 10321 of 2024

MADAN LAL SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

421. CWP No: 10322 of 2024

KIRTI SINGH THAKUR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

422. CWP No: 10323 of 2024

AJAY KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

423. CWP No: 10334 of 2024

SANJEEV KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

424. CWP No: 10337 of 2024

PRAKASH SINGH CHAUHAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

425. CWP No: 10385 of 2024

HARI RAM SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ..Respondents

426. CWP No: 10405 of 2024

JOGINDER SINGH ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

427. CWP No: 10427 of 2024

BHAGAT CHAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

428. CWP No: 10437 of 2024

RANBIR SINGH ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

429. CWP No: 10442 of 2024

INDER CHAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

430. CWP No: 10507 of 2024

KULDEEP ...Petitioner

Versus

HRTC & Others ...Respondents

431. CWP No: 10514 of 2024

KANSHI RAM KAUNDAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

432. CWP No: 10515 of 2024

YASH PAL GARNERIA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

433. CWP No: 10573 of 2024

SURJEET SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

434. CWP No: 10617 of 2024

VIRENDER SINGH ...Petitioner

Versus

THE HPSEBL & Another ...Respondents

435. CWP No: 10623 of 2024

VINEET KAUSHAL ...Petitioner

Versus

THE HPSEBL & Another ...Respondents

436. CWP No: 10626 of 2024

PUSHPA CHANDEL ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

437. CWP No: 10627 of 2024

RANBIR SINGH ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

438. CWP No: 10633 of 2024

RAJESH MAHAJAN ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

439. CWP No: 10805 of 2024

SARWAN LAL SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

440. CWP No: 10901 of 2024

SHYAM BIHARI LAL CHAUHAN ...Petitioner

Versus

THE STATE OF HP & Others ..Respondents

441. CWP No: 10902 of 2024

KESHAV RAM ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

442. CWP No: 10903 of 2024

GOPAL DASS ...Petitioner

Versus

THE STATE OF HP & Others ..Respondents

443. CWP No: 10904 of 2024

VINOD SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

444. CWP No: 10905 of 2024

PARMOD KUMAR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

445. CWP No: 10906 of 2024

RAMESH CHAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

446. CWP No: 10908 of 2024

VIJAY SINGH CHAUHAN ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

447. CWP No: 10925 of 2024

PARMOD KUMAR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

448. CWP No: 10956 of 2024

RAJINDER SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

449. CWP No: 11046 of 2024

ALBEL SINGH THAKUR & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

450. CWP No: 11056 of 2024

RAKESH KUMAR DHIMAN & Others ...Petitioner

Versus

THE STATE OF HP & Others ..Respondents

451. CWP No: 11082 of 2024

KARAM CHAND SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

452. CWP No: 11083 of 2024

LEKH RAM SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

453. CWP No: 11085 of 2024

PARMA NAND THAKUR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

454. CWP No: 11086 of 2024

HEM RAJ ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

455. CWP No: 11183 of 2024

SURESH KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

456. CWP No: 11210 of 2024

SANT RAM ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

457. CWP No: 11211 of 2024

KRISHAN KUMAR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

458. CWP No: 11261 of 2024

RANDHIR SINGH KATOCH ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

459. CWP No: 11297 of 2024

REWAL SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

460. CWP No: 11315 of 2024

BIDHI CHAND ...Petitioner

Versus

HRTC & Others ...Respondents

461. CWP No: 11318 of 2024

DHANI RAM SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

462. CWP No: 11361 of 2024

ANIL SOOD ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

463. CWP No: 11405 of 2024

ANJNA KUMARI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

464. CWP No: 11406 of 2024

RAVI KANT ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

465. CWP No: 11419 of 2024

SAROJ KAPUR SANGRAI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

466. CWP No: 11420 of 2024

SUSHIL KUMAR SANGRAI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

467. CWP No: 11421 of 2024

SUBHASH CHAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

468. CWP No: 11422 of 2024

KAMLESH KUMAR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

469. CWP No: 11461 of 2024

KAMLA DEVI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

470. CWP No: 11537 of 2024

SONA DEVI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

471. CWP No: 11553 of 2024

CHANDER PRABHA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

472. CWP No: 11557 of 2024

DILE RAM THAKUR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

473. CWP No: 11709 of 2024

ANIL BHAI PURI & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

474. CWP No: 11713 of 2024

JAYANT SHARMA & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

475. CWP No: 11715 of 2024

VIJENDER THAKUR & Another ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

476. CWP No: 11716 of 2024

JAGDEV & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

477. CWP No: 11753 of 2024

SUNIL KUMAR ...Petitioner

Versus

THE HPSEBL & Others ...Respondents

478. CWP No: 11957 of 2024

SUMESH KUMAR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

479. CWP No: 12057 of 2024

VARESH KUMAR GUPTA ...Petitioner

Versus

THE STATE OF HP & Another ..Respondents

480. CWP No: 12067 of 2024

JAGDISH SINGH JASWAL & Others ...Petitioners

Versus

THE HP SCHEDULED CASTES AND SCHEDULED TRIBES DEVELOPMENT CORPORATION ...Respondents

481. CWP No: 12096 of 2024

LAYAK RAM SHARMA ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

482. CWP No: 12223 of 2024

PAINE RAM & Others ...Petitioner

Versus

STATE OF HP & Others ...Respondents

483. CWP No: 12323 of 2024

RAJESH BAKSHI ...Petitioner

Versus

STATE OF HP & Others ...Respondents

484. CWP No: 12341 of 2024

OM PARKASH ...Petitioner

Versus

HRTC & Others ...Respondents

485. CWP No: 12373 of 2024

MOHAN SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

486. CWP No: 12571 of 2024

SHYAM SINGH THAKUR ...Petitioner

Versus

STATE OF HP & Another ...Respondents

487. CWP No: 12572 of 2024

PREM KUMARI SHARMA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

488. CWP No: 12578 of 2024

KUSUM LATA KALIA ...Petitioner

Versus

STATE OF HP & Another ...Respondents

489. CWP No: 12616 of 2024

KUSAM CHAND MAHANT ...Petitioner

Versus

STATE OF HP & Another ...Respondents

490. CWP No: 12617 of 2024

SHAMSHER SINGH ...Petitioner

Versus

STATE OF HP & Another ...Respondents

491. CWP No: 12618 of 2024

BALBIR SINGH ...Petitioner

Versus

STATE OF HP & Another ...Respondents

492. CWP No: 12641 of 2024

SATISH KUMAR ...Petitioner

Versus

STATE OF HP & Others ...Respondents

493. CWP No: 12760 of 2024

MANMOHAN CHAND SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ..Respondents

494. CWP No: 12962 of 2024

LALTI CHANDER KATOCH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

495. CWP No: 13131 of 2024

NARENDER PAL SEHGAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

496. CWP No: 13132 of 2024

BRAHAM DASS ...Petitioner

Versus

STATE OF HP & Others ...Respondents

497. CWP No: 13133 of 2024

RAJ KUMAR RANA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

498. CWP No: 13134 of 2024

RAJ KUMAR SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

499. CWP No: 13136 of 2024

DESH RAJ ...Petitioner

Versus

STATE OF HP & Others ...Respondents

500. CWP No: 13229 of 2024

HANS RAJ ...Petitioner

Versus

STATE OF HP & Others ...Respondents

501. CWP No: 13265 of 2024

LEELA DHAR SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

502. CWP No: 13281 of 2024

SURAT RAM THAKUR ...Petitioner

Versus

STATE OF HP & Another ...Respondents

503. CWP No: 13632 of 2024

JAI GOPAL ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

504. CWP No: 13633 of 2024

BALDEV KUMAR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

505. CWP No: 13634 of 2024

BHARAT BHUSHAN ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

506. CWP No: 13645 of 2024

SURAJ PRAKASH ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

507. CWP No: 13646 of 2024

TIKAM CHAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

508. CWP No: 13647 of 2024

NAHAK RAM ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

509. CWP No: 13648 of 2024

MOHAN SINGH ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

510. CWP No: 13649 of 2024

PRITAMA SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

511. CWP No: 13651 of 2024

RAJENDER SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

512. CWP No: 14210 of 2024

RAM LAL VERMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

513. CWP No: 14631 of 2024

DEEPIKA WALIA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

514. CWP No: 14821 of 2024

KUNDAN LAL ...Petitioner

Versus

STATE OF HP & Others ...Respondents

515. CWP No: 15050 of 2024

NISHU SHARMA ...Petitioner

Versus

STATE OF HP & Others. ...Respondents

516. CWP No: 15338 of 2024

VIDYA NAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

517. CWP No: 15559 of 2024

SEWA NAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

518. CWP No: 15631 of 2024

HIRANAND ATTRI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

519. CWP No: 15635 of 2024

NARAYAN SINGH ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

520. CWP No: 15926 of 2024

PROMILA DEVI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

521. CWP No: 16195 of 2024

PYARE LAL VERMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

522. CWP No: 16399 of 2024

LEKH RAJ & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

523. CWP No: 16667 of 2024

VIRENDER SINGH & Others ...Petitioner

Versus

THE STATE OF HP AND OTHERS

524. CMP(M): 2123 of 2024 in CWP No: 7890 of 2023

THE STATE OF HP AND OTHERS ...Petitioner

Versus

RAVINDER CHAND AND ANOTHER ...Respondents

525. CWP No: 1755 of 2025

KRISHAN CHAND ...Petitioner

Versus

HRTC & Others ...Respondents

526. CWP No: 1789 of 2025

RAJINDER SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

527. CWP No: 1841 of 2025

BHUPINDER SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

528. CWP No: 1843 of 2025

CHAMAN LAL ...Petitioner

Versus

HRTC & Others ...Respondents

529. CWP No: 1847 of 2025

PREM KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

530. CWP No: 1861 of 2025

BAL KRISHAN VERMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

531. CWP No: 2075 of 2025

BAHADUR SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

532. CWP No: 2077 of 2025

KAMALJEET SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

533. CWP No: 2487 of 2025

ROSHAN LAL & Others ...Petitioner

Versus

HRTC & Another ...Respondents

534. CWP No: 3265 of 2025

NAND LAL ...Petitioner

Versus

HRTC & Others ...Respondents

535. CWP No: 3554 of 2025

RAKESH GUPTA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

536. CWP No: 3755 of 2025

RAM DEV SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

537. CWP No: 4477 of 2025

RAJINDER KUMAR & Others ...Petitioner

Versus

HRTC & Another ...Respondents

538. CWP No: 4771 of 2025

KULDEEP SINGH ...Petitioner

Versus

HRTC & Others ...Respondents

539. CWP No: 4773 of 2025

KANTA DEVI ...Petitioner

Versus

HRTC & Others ...Respondents

540. CWP No: 4775 of 2025

YASHODA ...Petitioner

Versus

HRTC & Others ...Respondents

541. CWP No: 4846 of 2025

ANIL KUMAR KAKKAR ...Petitioner

Versus

State of HP & Others ...Respondents

542. CWP No: 4883 of 2025

CHANCHAL JOSHI ...Petitioner

Versus

HRTC & Another ...Respondents

543. CWP No: 6867 of 2025

ARUNA KUMARI ...Petitioner

Versus

HRTC & Others ...Respondents

544. CWP No: 6881 of 2025

RAJ MAL MUKUL ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

545. CWP No: 6920 of 2025

BALWANT SINGH BHATIA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

546. CWP No: 6922 of 2025

SURINDER KUMAR DHIMAN ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

547. CWP No: 7684 of 2025

SURINDER VASHISTHA & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

548. CWP No: 7868 of 2025

SARLA SHARMA & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

549. CWP No: 8037 of 2025

JULMI SHARMA & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

550. CWP No: 8950 of 2025

VICTOR DEAN ...Petitioner

Versus

STATE OF HP & Others ...Respondents

551. CWP No: 8978 of 2025

SHYAM LAL SHARMA ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

552. CWP No: 9180 of 2025

KARAM CHAND THAKUR & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

553. CWP No: 9910 of 2025

DIKKA SINGH ...Petitioner

Versus

STATE OF HP & Others ...Respondents

554. CWP No: 9940 of 2025

VINAY KUMAR SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

555. CWP No: 10100 of 2025

MADHUKAR SOOD ...Petitioner

Versus

STATE OF HP & Others ...Respondents

556. CWP No: 10281 of 2025

DINESH CHAND SHARMA ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

557. CWP No: 10283 of 2025

UMESH PRATAP SINGH ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

558. CWP No: 10502 of 2025

JASWANT SINGH ...Petitioner

Versus

THE STATE OF HP & others ...Respondents

559. CWP No: 10622 of 2025

DEV DUTT SHARMA ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

560. CWP No: 10624 of 2025

JAGDISH RAM BHARDWAJ ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

561. CWP No: 10627 of 2025

SEWAK RAM SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

562. CWP No: 10685 of 2025

SHIV DAYAL SINGH ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

563. CWP No: 10853 of 2025

KAPURA RAM & Others ...Petitioner

Versus

HRTC & Others ...Respondents

564. CWP No: 10855 of 2025

KIRAN BALA SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

565. CWP No: 10856 of 2025

RAM GOPAL SHARMA & Others ...Petitioner

Versus

HRTC & Others ...Respondents

566. CWP No: 10858 of 2025

MANJEET SINGH ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

567. CWP No: 11647 of 2025

HEM RAJ SHARMA ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

568. CWP No: 11650 of 2025

SUSHIL KUMAR SHARMA ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

569. CWP No: 11654 of 2025

VIJAY KUMAR ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

570. CWP No: 11655 of 2025

KISHORI LAL ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

571. CWP No: 11657 of 2025

PADAM DEV THAKUR ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

572. CWP No: 11683 of 2025

KAPIL DEVI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

573. CWP No: 11684 of 2025

SUBHASH CHAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

574. CWP No: 11685 of 2025

ANIL KUMAR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

575. CWP No: 11686 of 2025

SUMITRA DEVI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

576. CWP No: 11687 of 2025

PIAR CHAND ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

577. CWP No: 11688 of 2025

RAJINDRA KUMARI ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

578. CWP No: 11689 of 2025

RAGHUBIR SINGH ...Petitioner

Versus

THE STATE OF HP & Others ..Respondents

579. CWP No: 11690 of 2025

SATPAL ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

580. CWP No: 12144 of 2025

HEM CHAND THAKUR ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

581. CWP No: 12145 of 2025

ASHOK KUMAR ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

582. CWP No: 12147 of 2025

GITA RAM ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

583. CWP No: 12293 of 2025

SATISH KUMAR & Others ...Petitioner

Versus

HRTC & Others ...Respondents

584. CWP No: 12487 of 2025

RAJ KUMAR THAKUR ...Petitioner

Versus

THE STATE OF HP & Another ...Respondents

585. CWP No: 13238 of 2025

RAGHU NATH SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ..Respondents

586. CWP No: 13325 of 2025

RAMESH CHAND ...Petitioner

Versus

H.R.T.C. & Others ...Respondents

587. CWP No: 13736 of 2025

KAM RAJ JHINGTA & Others ...Petitioner

Versus

STATE OF HP & Others ...Respondents

588. CWP No: 14018 of 2025

KALYAN CHAND & Others ...Petitioner

Versus

HRTC & Others ...Respondents

589. CWP No: 14129 of 2025

KULDEEP KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

590. CWP No: 14782 of 2025

BODH KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

591. CWP No: 14798 of 2025

ROSHAN LAL JASWAL ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

592. CWP No: 15276 of 2025

UPENDER SOOD ...Petitioner

Versus

HRTC & Others ...Respondents

593. CWP No: 15565 of 2025

PIAR CHAND & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

594. CWP No: 15683 of 2025

VIJAY KUMAR ...Petitioner

Versus

HRTC & Another ...Respondents

595. CWP No: 16072 of 2025

SANTOSH KUMARI ...Petitioner

Versus

THE STATE OF HP & Others ..Respondents

596. CWP No: 16302 of 2025

SANTOSH RANA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

597. CWP No: 16537 of 2025

RAM SWAROOP ...Petitioner

Versus

HRTC & Others ...Respondents

598. CWP No: 16549 of 2025

BANKA RAM ...Petitioner

Versus

HRTC & Others ...Respondents

599. CWP No: 16553 of 2025

CHHOTA LAL ...Petitioner

Versus

HRTC & Others ...Respondents

600. CWP No: 16555 of 2025

SUCHA RAM ...Petitioner

Versus

HRTC & Others ...Respondents

601. CWP No: 16557 of 2025

TILAK RAJ ...Petitioner

Versus

HRTC & Others ...Respondents

602. CWP No: 16569 of 2025

SADIK MOHAMMAD ...Petitioner

Versus

HRTC & Others ...Respondents

603. CWP No: 17356 of 2025

NARESH KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

604. CWP No: 18709 of 2025

SANT RAM SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

605. CWP No: 18875 of 2025

KHEM RAJ SHUKLA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

606. CWP No: 19799 of 2025

DEEP RAM ...Petitioner

Versus

HRTC & Others ...Respondents

607. CWP No: 19801 of 2025

HAR GOPAL ...Petitioner

Versus

HRTC & Others ...Respondents

608. CWP No: 20439 of 2025

BALDEV SINGH & Another ...Petitioner

Versus

HRTC & Another ...Respondents

609. LPA No: 557 of 2025

STATE OF HP & Others ...Appellants

Versus

MINI SHARMA ...Respondents

610. CMP(M) No: 147 of 2025 in CWP No: 7843 of 2023

State of H.P. & Others ...Petitioners

Versus

Balbir Singh and another ...Respondents

611. CWP No: 1477 of 2026

VEENA DEVI ...Petitioner

Versus

HRTC & Others ...Respondents

612. CWP No: 4318 of 2026

ANITA DEVI ...Petitioner

Versus

HRTC & Others ...Respondents

613. CWP No: 5615 of 2026

AMAR NATH SHARMA ...Petitioner

Versus

STATE OF HP & Others ...Respondents

614. CWP No: 6111 of 2026

RAJ KUMAR ...Petitioner

Versus

HRTC & Others ...Respondents

615. CWP No: 6816 of 2026

KIRPA RAM SHARMA & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

616. CWP No: 7655 of 2026

ROSHAN LAL & Others ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

617. CWP No: 7657 of 2026

DURGA CHAND BHARDWAJ ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

618. Ex. Petition 53 of 2024 in CWP No: 7731 of 2023.

HARI SINGH THAKUR ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

619. Ex. Petition 70 of 2024 in CWP No: 7825 of 2023.

SHAKUNTLA SHARMA ...Petitioner

Versus

THE STATE OF HP & Others ...Respondents

620. Ex. Petition 71 of 2024 in CWP No: 7927 of 2023.

SATISH KUMAR DHIMAN ...Petitioner

Versus

HPSEBL ...Respondents

621. Ex. Petition 595 of 2024 in CWP No: 3336 of 2024

RAJENDER KUMAR UPADHYAY ...Petitioner

Versus

HPSEBL ...Respondents

622. Ex. Petition 594 of 2024 in CWP No: 3424 of 2024

BALWAN SINGH ...Petitioner

Versus

HPSEBL ...Respondents

623. Ex. Petition 292 of 2024 in CWP No: 2473 of 2023

VIJENDER KUMAR ...Petitioner

Versus

STATE OF H.P. AND OTHERS ...Respondents

Coram:

Hon'ble Mr. Justice Vivek Singh Thakur, Judge

Hon'ble Mr. Justice Ranjan Sharma, Judge

[1] *Whether approved for reporting?* *Yes.*

For the petitioner(s): Mr. Prem P. Chauhan, in Lead Case and Mr. Onkar Jairath Senior Counsel with Mr Anshul Jairath and

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

Mr. Sanjeev Bhushan, Senior Advocate with Mr. Sparsh Bhushan, Advocate, Mr. K.C. Chauhan, Mr. Manohar Lal Sharma, Mr. Rakesh Kumar Dogra, Mr. Bhupinder Kumar, Mr. Shiv Pal Manhans, Mr. Prashant Manhans, Mr. Rajesh Kumar, Mr. Sunny Dhatwalia, Mr. Ashok Chaudhary, Mr. Vikas Rathore, Mr. Yogesh Kumar Chandel, Mr. Mandeep Chandel, Mr. Kul Bhushan Khajuria, Mr. Parkash Sharma, Mr. Mohan Singh, Advocate vice Mr. Sanjay Kumar Sharma, Mr. Shubham Sood, Mr. Mohit Thakur, Mr. Ashish Verma, Mr. Raj Kumar, Mr. Ashwani K. Sharma, Ms Dhanvanti, Mr. Atharv Sharma, Mr. Ashwani Chawla, Mr. Ramesh Kumar Kaundal, Mr. Pranav Kaushal and Mr. Sameer Miyan, Advocate, vice Mr. M.A. Safee, Mr. Sumit Sharma, Mr. Gopal Singh, Mr. Ashok Kumar, Mr. K.C. Sankhyan, Mr. S.P. Chatterjee, Mr. Shourya Sharma, Ms. Minakshi Sharma, Ms. Monika Sharma, Advocate vice Mr. Adarsh K. Vashista, Mr. Topender Kumar Verma, Mr. Aditya Kaushal, Mr. Sarthak Mehta, Mr. Narender Sharma, Ms. Shikha Chauhan, Mr. Vivek Thakur & Mr. Vijay Mokta Advocates vice Mr. Vijay Chaudhary, Mr. C.N. Singh, Mr. Anshul Gandhi & Dr. Nidhi Singh, Advocates, Mr. Sandeep K. Pandey, Ms. Babita Chauhan, Advocate vice Mr. A.K. Gupta, Mr. H.S. Rangra, Mr. Bhim Raj Sharma, Mr. H.R. Bhardwaj, Mr. Tarun Sharma, Ms. Sakshi Bhardwaj, Advocate vice Mr. Ajay Kumar Dhiman, Ms. Neha Negi and Ms. Sakshi Bhandari, Advocates, Mr. Tek Chand Sharma, Mr. Vishwa

Bhushan, Mr. Chitranjan Kumar Sharma, Mr. B. Nandan Vasishta & Mr. S.S. Sood, Mr. Karan Singh Parmar, Ms. Rashmi Parmar, Mr. Piyush Dhanotia, Mr. Vaibhav Tanwar, Mr. Ajay Thakur, Mr. Devender K. Sharma, Mr. S.D. Gill, Mr. Adarsh K. Sharma, Mr. Vinod Chauhan, Mr. Aanchal Singh Mr. Ajeet Singh Saklani, Mr. Ajay Chauhan, Mr. Praveen Thakur, Mr. Kuldeep Chand, Mr. Amrick Singh, Mr. Gaurav Sharma, Mr. Surinder Saklani, Ms. Archna Dutt, Mr. Nishant Khidtta, Advocate vice Mr. V.D. Khidtta, Mr. Hemant Kumar Thakur, Mr. Aditya Chauhan, Mr. Mohit Dogra, Mr. Vinod Thakur, Mr. Chaman Lal, Mr. Rajat Thakur, Ms. Kamlesh Shandil, Advocate, Ms. Samridhi Rathour, Advocate vice Mr. Naresh K. Verma, Advocate, Mr. Bharat Bhushan, Mr. Gaurav Singh Damseth, Mr. Jagat Pal, Ms. Anita Devi, Advocates, for the petitioner(s)/applicant(s), in respective matters.

For the respondent(s): Mr. Anup Rattan, Advocate General with Mr. Ramakant Sharma, Additional Advocate General, Ms. Swati Draik, Deputy Advocate General and Mr. Shalabh Thakur, Assistant Advocate General, for the respondents-State in respective petitions.

Mr. Kunal Mehta, Advocate, for respondents No.2 and 3 in CWPs No.11085 & 11086/2024.

Mr. Ashok Kumar Tyagi, Advocate, for the respondent, in CWP No.1978 of 2024.

Mr. Abhishek Nagta, Advocate, for respondents No.2 and 3 in CWP Nos.11085 & 11086 of 2025.

Dr. Lalit K. Sharma, Advocate, for the respondent in CWP No.12067 of 2024.

Mr. Abhishek Dulta, Advocate, for respondent No.3 in CWP No.14210 of 2024.

Mr. Himender Singh Chandel, Advocate for respondent-HPPCL.

Ms. Shivani Gangotra, Advocate, vice Mr. Vikrant Thakur, Advocate, for respondent No.5-HPPSC in CWP Nos.176 of 2024 and 7376 of 2023.

Ms. Shrutika Chauhan, Mr. Raman Jamalta, Mr. Vinod Kumar Gupta, Mr. Virender Singh Kanwar, Advocate, Mr. Deepak Sharma and Ms. Shubh Mahajan, Advocates, for respondent-HRTC in respective petitions.

Mr. Ravinder Thakur, Advocate, for the respondent-HPSEBL, in respective petitions.

Mr. Uday Singh Banyal, Advocate for the respondent-Vidhan Sabha.

Mr. Devender K. Sharma, Advocate, for the respondent-University.

Mr. Shivank Singh Panta and Ms. Maheshwari Sharma, Advocates, for HPTDC, in respective petitions.

Mr. Devender Sharma, Advocate, for respondents No.2 and 3 in CWP No.8501 of 2023.

Mr. Virender Singh Rathore,

Advocate, for the respondent in CWP No.6249 of 2024.

Mr. Shashi Bhushan Singh, Advocate, for respondent in LPA No. 557 of 2025.

Mr. Tara Chand Chauhan, Mr. Dikken Kumar Thakur and

Mr. Rangil Singh, Mr. Abhishek Sharma, Mr. Rajesh Kosh, Ms. Komal Chaudhary & Ms. Rekha Thakur, Mr. Ramesh Kumar Advocates, for the Accountant General, in the respective petitions.

Ranjan Sharma, Judge

Petitioner-Madhu Deshta [having retired as a Lecturer, School Cadre from the service of the State Government] has come up before this Court, seeking the following reliefs:

> *"15 (a)* to issue a writ of certiorari, or any other appropriate writ, order, or direction in nature thereof, quashing Rule 13 of the H.P. Civil Services (Revised Pay) Rules, 2022 (Annexure P3), Paragraph 10 of the Office Memorandum dated 25.02.2022 (Annexure P-4), the impugned Office Memorandum dated 19.10.2024 (Annexure P-2), and other similar Office Memoranda including Annexure P-5, Annexure P-6, and Annexure P-7, to the extent that they authorize or implement a policy of paying the acknowledged arrears of pay

and pension revision benefits in installments or in a deferred manner, holding such provisions/stipulations to be illegal, arbitrary, discriminatory, and unconstitutional; and

15(b) to issue a writ of mandamus, or any other appropriate writ, order, or direction in nature thereof, directing the Respondents to forthwith release and pay to the Petitioner the entire outstanding benefits of pay revision effective from 01.01.2016, including all arrears of pay, revised pensionary benefits, Death-cum-Retirement Gratuity (DCRG), commuted value of pension, and leave encashment, in a lump sum, along with interest thereon @ 9% per annum from the date such amounts became due till the date of actual payment, with all consequential benefits for all purposes and intents."

LEAD CASE AND CONNECTED CASES ADJUDICATED BY A COMMON JUDGMENT:

2. Sequel to the orders passed by this Court on 03.07.2025, Learned Counsel(s) for the respective parties jointly represent that since the issue involved in all these connected cases is pari-materia therefore, ***CWP No 8504 of 2025,*** *Madhu Deshta versus State of Himachal Pradesh and others,* may be treated

as the **'Lead Case'.** As agreed, this Court proceeds to adjudicate the **'Lead Case'** and other connected **CWP's/CWPOA's/ LPA's and CMP(M)'s in LPA's** by a common judgment.

FACTUAL MATRIX IN 'LEAD CASE' [CWP NO: 8504 OF 2025- MADHU DESHTA's CASE :

3. Case, as set up, by Learned Counsel is that petitioner joined as Lecturer in Political Science in the School Cadre, in Directorate of School Education, under the Respondent/State on regular basis and she superannuated from service on attaining the age of 58 years on 31.01.2021. On her superannuation, she was granted retiral benefits i.e. Pension and Gratuity etc., at the unrevised rates in accordance with the Central Civil Services [Pension] Rules 1972 and Leave Encashment under the Central Civil Services [Leave] Rules 1972 and Commuted Pension under the Central Civil Services [Commutation of Pension] Rules, 1981, as applicable to the petitioner and other employees of the State Government, including the employees of various Boards, Corporations and Public Sector Undertakings owned and controlled by the State Government.

3(i). It is averred that the State Government

notified the Himachal Pradesh Civil Services [Revised] Pay Rules 2022 ***[hereinafter referred to as 'Revised Pay Rules 2022']*** on 03.01.2022 ***[Annexure P-3]*** deciding to give the benefit of the Revised Pay Scale/ Pay Structure to its employees w.e.f. 01.01.2016. It is averred that on the basis of the Revised Pay Rules 2022, the petitioner, who stood retired from service on 31.01.2021 was deemed to have been covered under Revised Pay Rules 2022 *[Annexure P-3]* was entitled to be re-fixed in applicable revised Pay Structure and was to be given the arrears of Pay and Allowances for the period from 01.01.2016 till superannuation on 31.01.2021 but, State Authorities invoked provision of Rule 13 of the said Rules, by deciding to give the Revised Pay Arrears in such manner and at such time as may be approved by the Government and based on Rule 13, the State Government issued an Office Memorandum on 17.09.2022 ***[Annexure P-5],*** *releasing revised pay arrears in a staggered form,* by ordering the release of a meagre amount of Rs 50,000-60,000/- whereas, the petitioner was entitled to much higher amount of arrears under the Revised

Rules during this period from 01.01.2016 till her superannuation on 31.01.2021.

3(ii). It is averred that after the issuance of the Revised Pay Rules on 03.01.2022 *[Annexure P-3],* the State Government issued another Office Memorandum dated 25.02.2022 ***[Annexure P-4],*** deciding to give the Revised Retiral benefits i.e. Revised Pension, Revised Gratuity, Revised Commuted Pension and Revised Family Pension *[in case of death of employee]* to its employees but while issuing this Office Memorandum on 25.02.2022 *[Annexure P-4] the State Authorities* inserted Para 10 in the said Office Memorandum, that the arrears of revised retiral benefits i.e. Revised Pension/Gratuity/Commuted Pension/Family Pension for the period from 01.01.2016 to 31.12.2021 shall be paid in such a manner as may be decided by the State Government in future. It is averred that after the issuance of the Office Memorandum dated 25.02.2022 *[Annexure P-4],* the State Authorities issued a communication on 17.09.2022 *[Annexure P-6],* releasing 20% of the arrear of Revised Pension/ Family Pension and Revised Gratuity to the retirees

alike the petitioner. It is averred that on 13.03.2024 *[Annexure P-7],* the State Authorities issued another Office Memorandum, releasing part arrears of Revised Pension/Family Pension between 15% to 35% based on age criteria of the retirees. It is further averred that on 19.10.2024 *[Annexure P-2],* the State Authorities have issued another Office Memorandum, whereby, the retirees who had crossed the age of 75 years and above were released 100% arrears of Revised Pension /Family Pension, whereas, the petitioner was singled out, ignoring that all employees who retired from service on or after 01.01.2016 constituted one Homogeneous Class and the State Authorities cannot adopt a pick and choose method while releasing the revised retiral benefits in a staggered form, at its whims, by carving out an artificial discrimination amongst one homogenous class of retirees was discriminatory, illegal, arbitrary and unconstitutional.

3(iii). In above backdrop, it was averred that the action of the State Authorities in <u>not releasing the revised pay arrears in lump sum</u> but in withholding this benefit at the mercy of the State Authorities and

in releasing the same in a staggered or deferred or in a piece meal manner by invoking Rule 13 of the Revised Pay Rules dated 03.01.2022 *[Annexure P-3]* and likewise, the action of the State Authorities in not releasing the benefits of revised retiral benefits in lump sum in terms of the Statutory Rules but in withholding the revised retiral benefits i.e. Revised Pension, Revised Gratuity, Revised Leave Encashment and the Revised Family Pension [wherever applicable] but in releasing the same in a staggered or deferred or in a piece meal manner by invoking Para 10 of the Office Memorandum dated 25.02.2022 *[Annexure P-4]* at the mercy of the State Authorities was illegal. It was averred that denial of rightful dues by way of an executive order by issuing an Office Memorandum on 17.09.2022 *[Annexure P-6]* and similar communications on 13.03.2024 and 19.10.2024 *[Annexure P-7 and Annexure P-2* [releasing arrears of revised retiral benefits in a piecemeal manner or in a staggered-deferred form] *was alleged to be* violative of Article 300-A of the Constitution of India and the State action was unfair, unjust, illegal, arbitrary and

unconstitutional.

In this backdrop, it was prayed that the offending Rule/Office Memorandum i.e. Rule 13 of the HPCS Revised Pay Rules of 2022 notified on 03.01.2022 *[Annexure P-3]* and Para 10 of the Office Memorandum dated 25.02.2022 *[Annexure P-4]* may be quashed and set-aside with the prayer to quash and set-aside the resultant OM's or Communications releasing the benefits in a piece-meal manner with the prayer to release the arrears of revised pay from 01.01.2016 till her superannuation on 31.01.2021 and thereafter to release the arrears of revised retiral benefits from the date of her superannuation from 01.02.2021, which became due and payable after the issuance of the Revised Pay Rules on 03.01.2022 [Annexure P-3] and issuance of the Office Memorandum on 25.02.2022 *[Annexure P-4], and to release all these benefits* in lump-sum, *along*with interest @ 9% per annum till the date of actual release of benefits; and the action of the State Authorities in releasing these benefits in staggered or deferred form or in a piecemeal manner being contrary to the Statutory

Rules may be declared unreasonable, illegal, arbitrary, discriminatory and unconstitutional.

STAND OF STATE AUTHORITIES IN REPLY-AFFIDAVIT:

4. Pursuant to the issuance of notice by this Court on 22.05.2025, the State Authorities have filed Reply-Affidavit dated 17.06.2025 of Special Secretary [Finance], Government of Himachal Pradesh.

4(i). Reply-Affidavit indicates that the employees who retired from service between 01.01.2016 to 31.01.2022 were released the pay and retiral benefits like Pension, Gratuity, Commuted Pension and Family Pension [wherever applicable] in accordance with the Revised Pay Rules 2009 as applicable in case of the petitioner.

4(ii). Reply-Affidavit indicates that on 03.01.2022 *[Annexure P-3]* the State Authorities notified the Himachal Pradesh Civil Services [Revised] Pay Rules under the proviso to Article 309 of the Constitution of India and these Rules deemed to have come into effect w.e.f. 01.01.2016. Reply-Affidavit indicates that after the issuance of Revised Pay Rules dated 03.01.2022, the State Authorities issued an Office

Memorandum on 25.02.2022 *[Annexure P-4]*, notifying amendments to the Central Civil Services [Pension] Rules, 1972. Reply-Affidavit indicates that despite the adverse financial constraint, the State Government has decided to revise the Pay Scales/Pension etc. from retrospective effect w.e.f. 01.01.2016 in the interests of Government Employees/ Pensioners.

4(iii). Para 7 of Reply-Affidavit indicates that as per Rule 13 of Revised Pay Rules dated 03.01.2022 *[Annexure P-3]*, it was decided that arrears to the retired employees for the period from 01.01.2016 to 31.01.2022 shall be paid in such a manner and in such a time as may be approved by the State Government. Reply-Affidavit further indicates that so far as the revised retiral benefits, like Revised Pension, Gratuity, Commuted Pension and Family Pension [wherever applicable] are concerned, the State Authorities issued an Office Memorandum on 25.02.2022 *[Annexure P-4]* and Para 10 of said Memorandum provided that arrears, on account of revised retiral benefits for the period from 01.01.2016 to 31.12.2021 shall be paid in such a manner as may be decided

by the Government in future. Based on this, Reply-Affidavit indicates that in terms of the Office Memorandums, the arrears of revised pay and the arrears of revised retiral benefits were released in instalments as per the Communications issued on 17.09.2022; 28.08.2024 and 19.10.2024.

4(iv). In Para 12 to 14 of Reply-Affidavit, State Authorities have placed reliance on the judgments passed by the Hon'ble Supreme Court in *Civil Appeal No.7427 of 2011,* titled as ***Punjab State Co-operative Milk Producers Federation Ltd. and another versus Balbir Kumar Walia and others;*** *Civil Appeal No. 5114 of 2022,* titled as ***The State of Tripura and others versus Smt. Anjana; State of Punjab and others versus Amar Nath Goyal and others,*** *(2005) 6 SCC 754;* ***State of Bihar and others versus Bihar Pensioners Samaj,*** *(2006) 5 SCC 65;* to assert that financial stringency is a valid ground for denying arrears and grant of higher pay and based on financial liability, the State has right to prescribe or fix the cut-off date for the purposes of releasing the Revised Pension to its employees. Based on aforesaid judgments

it was averred that the financial crunch/ financial constrains is a valid factor and therefore, Rule 13 in the Revised Pay Rules dated 03.01.2022 *[Annexure P-3]* and Para 10 in Office Memorandum dated 25.02.2022 *[Annexure P-4]* was included by the State Authorities. Reply-Affidavit indicates that the employees who have retired between from 01.01.2016 to 31.12.2021 form Homogeneous Class and entire arrears cannot be released to the petitioners, ignoring other employees.

4(v). Reply-Affidavit further indicates in Para 12 (A) and 15 (A) to (D) that there is no specific provision under the Himachal Pradesh Civil Services [Revised] Pay Rules dated 03.01.2022 *[Annexure P-3]* or the Central Civil Services [Pension] Rules, 1972; the Central Civil Services [Leave] Rules, 1972; and the Central Civil Services Commutation of Pension Rules 1981 to allow interest on Gratuity, Arrears of Pay, Pension, Leave Encashment and Commutation and in absence of any specific provision for interest in the Rules, the claim of the petitioners for interest on delayed payments was denied by the Respondents.

4(vi). Reply-Affidavit further indicates that the

State Government was committed to release arrears of Revised Pay and Arrears of Revised Retiral Benefits to the retirees, including the petitioners, who had retired between 01.01.2016 to 31.12.2021 and therefore, it was prayed that the writ petition may kindly be dismissed.

REJOINDER BY PETITIONER:

5. In Rejoinder, petitioner stated that Rule 13 of Revised Pay Rules dated 03.01.2022 *[Annexure P-3]* giving unbridled, unfettered and unrestricted discretion to the State to release the arrears of Revised Pay "in such a manner and at such a time", as may be approved by the Government, was highly arbitrary, illegal and unconstitutional as the salary earned becomes the lawful entitlements and such an accrued benefit being the property under Article 300-A of the Constitution of India could not be withheld, staggered, deferred or released in piecemeal manner at the whims and discretion of the State Authorities indefinitely and that too without there being any law; merely on the basis of the Revised Pay Rules dated 03.01.2022 *[Annexure P-3], cannot sustain.*

5(i). Rejoinder further mentioned that the action

of the State Authorities in incorporating Para 10 in Office Memorandum dated 25.05.2022 *[Annexure P-4]* decided to release the revised retiral benefits "in such manner as may be decided by the Government in future" amounted to carving out inter-se discrimination within the retirees who have attained the age of 70 years and above have been released the entire Revised Pension/Gratuity by the Respondents. It was further averred that the OM being a mere executive order cannot be made the basis for deferring the retiral benefits which had accrued under the Central Civil Services [Pension] Rules [in case of Pension and Gratuity] and Revised Leave Encashment under the Central Civil Services [Leave] Rules and Commuted Pension under the Central Civil Services [Commutation of Pension] Rules, upon the issuance of the Revised Pay Rules on 03.01.2022 *[Annexure P-3]* and Office Memorandum dated 25.02.2022 *[Annexure P-4] to the* petitioner and other like employees.

5(ii). The judgments mentioned in Para 12 and 14 of Reply-Affidavit were held to be not applicable, in fact-situation of instant case.

In this backdrop, averments and the claim spelt out in the writ petition was reiterated with the prayer for quashing the Impugned Rules/Orders and to direct the release retiral benefits in lump-sum alongwith interest.

AFFIDAVIT BY PRINCIPAL SECRETARY [FINANCE] DATED 14.10.2025:

6. State Authorities filed an Affidavit dated 14.10.2025, indicating that after the issuance of the Revised Pay Rules on 03.01.2022 *[Annexure P-3] giving the revised pay scales* w.e.f. 01.01.2016 and after the issuance of an Office Memorandum on 25.02.2022 *[Annexure P-4] giving the revised retiral benefits* w.e.f. 01.01.2016, an estimated arrears of Rs 16600/- Crores shall accrue, out of which, the State Government had already released/adjusted the arrears of Rs 8045/- Crores by disbursing the benefits to the retirees alike the petitioner, though in a deferred form. Affidavit further indicates that the balance arrears of Rs 8555/- Crores are required for meeting out the liability towards the arrears of revised pay and arrears of revised retiral benefits. Para 7 and 10 of the affidavit indicates that as per 15th Finance

Commission during the award period from 2021-22 to 2025-26, the State had received a total Revenue Deficit Grant [RDG] of Rs 37,199/- Crores and the State Government awaits the release of similar Revenue Deficit Grant from the 16th Finance Commission w.e.f. 01.04.2026 onwards.

AFFIDAVIT DATED 28.02.2026 BY PRINCIPAL SECRETARY [FINANCE]:

6(i). State Authorities through Principal Secretary Finance filed another Affidavit dated 28.02.2026, with the averments in Para 6 and 7 that 16th Finance Commission has not recommended Revenue Deficit Grant [RDG] to the States, so that the States increase their revenue and rationalize their expenditure. It is averred that due to the non-recommendation of the Revenue Deficit Grant an adverse financial impact has been caused to the Respondent-State. Affidavit states that despite non-recommendation of Revenue Deficit Grant, the State Authorities have released arrears of Revised Pension to the retirees who are above 70 years of age on 27.01.2026 *[Annexure R-1/I] and* Class-IV who had retired/died during 01.01.2016 to 31.01.2022 have been released additional 50%

Gratuity and 70% Leave Encashment Arrears besides releasing the Medical Reimbursement Claims of the employees-retirees.

AFFIDAVIT IN TERMS OF ORDER DATED 27.04.2026 FILED BY PRINCIPAL SECRETARY [FINANCE]:

6(ii). Principal Secretary [Finance] filed another Affidavit dated 15.05.2026, with the stand that 16th Finance Commission has neither recommended any Revenue Deficit Grant for State of Himachal Pradesh for the period from 2026-2031 nor any Special Grant has been released to the State in lieu thereof. Affidavit further indicates in Para 6 that the Salaries, Pension and Gratuity attribute to about 78% of Budget besides other expenditures and on interest payments, repayment of loan, grant-in-aid etc., and 20% of budget is available for other developmental works for the year 2026-27. Para 7 of this Affidavit indicates that deferral of arrears is not selective or wilful but is a consequence of uniform fiscal austerity due to the discontinuation of the Revenue Deficit Grant. Para-9 of this Affidavit indicates that as per Office Memorandum dated 25.04.2026 ***[Annexure R-I/III*** *Colly], entire benefits have been released to* Class-IV

employees who retired from service between 01.01.2016 and 31.01.2022. Affidavit indicates that State Government had been releasing arrears in a phased and prioritized manner giving precedence to age and vulnerability. Affidavit further indicates that constraints is entirely one of resources and therefore, the State Government has taken several measures for generating and improving its resources as detailed in Para 13 of this Affidavit.

INSTRUCTIONS FURNISHED BY COUNSELS FOR BOARDS/CORPORATIONS:

6(iii). Besides the State, there are numerous Boards, PSUs or Corporations which are owned and controlled by the State. After issuance of Revised Pay Rules dated 03.01.2026 *[Annexure P-3]* and the Office Memorandum dated 25.02.2022 *[Annexure P-4]*, *almost majority of the* Boards/Corporations and PSUs have by and large, in principle have adopted, followed and decided to give arrears of the Revised Pay to its employees between the period from 01.01.2016 to 31.12.2021 and based on revised emoluments, these Boards/Corporations have decided to give the Revised Retiral Benefits to employees who had retired from service on or after 01.01.2016 till 31.01.2022. Learned

Counsel for the Respondent Boards/Corporations in present batch of cases, do not dispute these facts. Even Learned Counsel(s) for Respondent Board {HPSEBL} have furnished Instructions to this effect, which form part of the orders passed by this Court from time to time.

7. Heard, Mr. Prem P. Chauhan Learned Counsel in Lead Case and Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar Advocate, Mr. Onkar Jairath Senior Counsel with Mr. Anshul Jairath Mr. K.C. Chauhan, Mr. Manohar Lal Sharma, Mr. Rakesh Kumar Dogra, Mr. Bhupinder Kumar, Mr. Shiv Pal Manhans, Mr. Prashant Manhans, Mr. Rajesh Kumar, Mr. Sunny Dhatwalia, Mr. Ashok Chaudhary, Mr. Vikas Rathore, Mr. Yogesh Kumar Chandel, Mr. Mandeep Chandel, Mr. Kulbhushan Khajuria, Mr. Parkash Sharma, Mr. Mohan Singh, Advocate vice Mr. Sanjay Kumar Sharma, Mr. Shubham Sood, Mr. Mohit Thakur, Mr. Ashish Verma, Mr. Raj Kumar, Mr. Ashwani K. Sharma, Mr. Sanjay Bhardwaj, Mr. Atharv Sharma, Mr. Ashwani Chawla, Mr. Ramesh Kumar Kaundal, Mr. Pranav Kaushal and Mr. Sameer

Miyan, Advocate, vice Mr. M.A. Safee, Mr. Sumit Sharma, Mr. Gopal Singh, Mr. Ashok Kumar, Mr. K.C. Sankhyan, Mr. S.P. Chatterjee, Mr. Shourya Sharma, Ms. Minakshi Sharma, Ms. Monika Sharma, Advocate vice Mr. Adarsh K. Vashista, Mr. Topender Kumar Verma, Mr. Aditya Kaushal, Mr. Sarthak Mehta, Mr. Narender Sharma, Ms. Shikha Chauhan, Mr. Vivek Thakur & Mr. Vijay Mokta Advocates vice Mr. Vijay Chaudhary, Mr. C.N. Singh, Mr. Anshul Gandhi & Dr. Nidhi Singh, Advocates, Mr. Sandeep K. Pandey, Ms. Babita Chauhan, Advocate vice Mr. A.K. Gupta, Mr. H.S. Rangra, Mr. Bhim Raj Sharma, Mr. H.R. Bhardwaj, Mr. Tarun Sharma, Ms. Sakshi Bhardwaj, Advocate vice Mr. Ajay Kumar Dhiman, Ms. Neha Negi and Ms. Sakshi Bhandari, Advocates, Mr. Tek Chand Sharma, Mr. Vishwa Bhushan, Mr. Chitranjan Kumar Sharma, Mr. B. Nandan Vasishta & Mr. S.S. Sood, Mr. Karan Singh Parmar, Ms. Rashmi Parmar, Mr. Piyush Dhanotia, Mr. Vaibhav Tanwar, Mr. Ajay Thakur, Mr. Devender K. Sharma, Mr. S.D. Gill, Mr. Adarsh K. Sharma, Mr. Vinod Chauhan, Mr. Aanchal Singh Mr. Ajeet Singh Saklani, Mr. Ajay Chauhan,

Mr. Praveen Thakur, Mr. Kuldeep Chand, Mr. Amrick Singh, Mr. Gaurav Sharma, Mr. Surinder Saklani, Ms. Archna Dutt, Mr. Nishant Khidtta, Advocate vice Mr. V.D. Khidtta, Mr. Hemant Kumar Thakur, Mr. Aditya Chauhan, Mr. Mohit Dogra, Mr. Vinod Thakur, Mr. Chaman Lal, Mr. Rajat Thakur, Ms. Kamlesh Shandil, Advocate, Ms. Samridhi Rathour, Advocate vice Mr. Naresh K. Verma, Advocate, Mr. Bharat Bhushan, Mr. Gaurav Singh Damseth, Mr. Jagat Pal, Ms. Anita Devi, Advocates, for the petitioner(s)/applicant(s), in respective matters and Mr. Anup Rattan, Learned Advocate General with Mr. Ramakant Sharma, Additional Advocate General, Ms. Swati Draik, Deputy Advocate General and Mr. Shalabh Thakur, Assistant Advocate General, for respondents-State in respective petitions; and Mr. Kunal Mehta, Advocate, for respondents No.2 and 3 in CWPs No.11085 & 11086/2024; Mr. Ashok Kumar Tyagi, Advocate, for the respondent, in CWP No.1978 of 2024; Mr. Abhishek Nagta, Advocate, for respondents No.2 and 3 in CWP Nos. 11085 & 11086 of 2025; Dr. Lalit K. Sharma, Advocate, for respondent in CWP No.12067 of 2024; Mr. Abhishek

Dulta, Advocate, for respondent No.3 in CWP No. 14210 of 2024; Mr. Himender Singh Chandel, Advocate for respondent-HPPCL; Ms. Shivani Gangotra, Advocate, vice Mr. Vikrant Thakur, Advocate, for respondent No.5-HPPSC in CWP Nos.176 of 2024 and 7376 of 2023; Ms. Shrutika Chauhan; Mr. Raman Jamalta; Mr. Vinod Kumar Gupta; Mr. Virender Singh Kanwar, Advocate; Mr. Deepak Sharma; and Ms. Shubh Mahajan, Advocates, for respondent-HRTC in respective petitions; Mr. Ravinder Thakur, Advocate, for the respondent-HPSEBL, in respective petitions; Mr. Uday Singh Banyal, Advocate for the respondent-Vidhan Sabha; Mr. Devender K. Sharma, Advocate, for the respondent-University; Mr. Shivank Singh Panta and Ms. Maheshwari Sharma, Advocates, for the HPTDC, in respective petitions; Mr. Devender Sharma, Advocate, for respondents No.2 and 3 in CWP No.8501 of 2023; Mr. Virender Singh Rathore, Advocate; for the respondent in CWP No. 6249 of 2024; Mr. Shashi Bhushan Singh, Advocate, for respondent in LPA No. 557 of 2025; Mr. Tara Chand Chauhan, Mr. Dikken Kumar Thakur; Mr. Rangil Singh; Mr. Abhishek Sharma; Mr. Rajesh Kosh; Ms.

Komal Chaudhary & Ms. Rekha Thakur; Mr. Ramesh Kumar Advocates; for the Accountant General, in the respective petitions.

HPCS REVISED PAY RULES DATED 03.01.2022 [ANNEXURE P-3]

8. Before proceeding to analyze the rival claims and contentions, it is necessary to have a recap of the Himachal Pradesh Civil Services [Revised Pay] Rules dated 03.01.2022 ***[Annexure P-3]*** giving revised pay scales/structure to its employees w.e.f. 01.01.2016 as under:

ANNEXURE P-3
Dated: 03.01.2022

Govt. of Himachal Pradesh Finance (Pay Revision) Department.

Notification
No. Fin-(PR)B(7)-1/2021 Dated: 03.01.2022

In exercise of the powers conferred by proviso to Article 309 and clause (3) of article 187 of the Constitution of India read with proviso to sub-rule (1) of rule 10 of the Himachal Pradesh Vidhan Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1974, the Governor, Himachal Pradesh, is pleased to make the following rules, namely:-

1.	Short title and Commencement.	(1) These rules may be called the **Himachal Pradesh Civil Services (Revised Pay Rules, 2022.**
		(2) They shall be **deemed to have come into force on and with effect from the first day of January, 2016**.

2.	Application.	(1) Save as otherwise expressly provided by or under these rules, they shall apply to all the persons appointed on regular basis to the services and posts in connection with the affairs of the State of Himachal Pradesh and whose pay is debited to the Consolidated Fund of State of Himachal Pradesh.
3-4.		Not Relevant
5.	Drawl of pay in the revised pay structure.	Save as otherwise provided in these rules, a Government employee shall draw pay in the Level of Pay Matrix in the revised pay structure applicable to the post to which he is appointed.
6.	Exercise of option.	(1) The Government employee shall exercise option in the Form appended to these rules so as to reach the authority specified in sub-rule (2), <u>within a period of one month from the date of notification of these rules</u>: Provided that: (i) in the case of a Government employee, who on the date of notification of these rules, is out of India or on leave or on deputation or on foreign service or on active service, the option shall be exercised in the said Form so as to reach the said authority within a period of one month from the date of his taking the charge of his post under the State Government, if that date is later

		than the date specified in this sub-rule; and
		(ii) where a Government employee is under suspension on the date of notification of these rules, the option shall be exercised within a period of one month from the date of his return to his duty, if that date is later than the date specified in this sub-rule.
		(2) The option in the Form shall be submitted by the Government employee to the Head of the Office.
		(3) If the option is not received within the time specified in sub-rule (I), the Government employee shall be deemed to have opted/elected to be governed by the revised pay structure with effect from first day of January, 2016. The Head of the Office shall determine his pay in the revised pay structure with reference to provisions of rule 7 of these rules.
		(4) The option once exercised shall be final.
7.	Fixation of pay in the revised pay structure.	The basic pay of a Government employee shall, unless in any case, the Government by special order otherwise directs, be fixed in the revised pay structure in the following manner:
7 (I) to 11		Not relevant

12.	Drawl of revised pay.	(1) The revised pay under these rules shall be drawn from the month of January, 2022 (payable in month of February, 2022). (2) The Government employee who was on extension in service as on 01.01.2016 or thereafter, shall not be paid any arrears, if any, for the extended period of service due to revision of pay as per provisions of these rules.
13.	**Arrear of revised pay.**	Notwithstanding anything contained in these rules, the arrears with effect from the 1st January 2016 to 31st December, 2021, shall be paid in such manner and at such time as may be approved by the Government.
14 to 16		Not relevant

OFFICE MEMORANDUM DATED 25.02.2022 [ANNEXURE P-4] GIVING THE REVISED RETIRAL BENEFITS:

8(i). After the issuance of Revised Pay Rules on 03.01.2022 *Annexure P-3],* the State Government issued an Office Memorandum on 25.2.2022 ***[Annexure P-4]*** giving the Revised retiral benefits i.e. Revised Pension, Revised Gratuity, Revised Commutation of Pension and Revised Family Pension to Government Servants who retire or die in service in harness on or after age 01.01.2016. In terms of this OM, the claim of these retirees for Revised Pension is to be regulated in

terms of Para 5 and claim for Revised Retirement / Death Gratuity/Death Gratuity is to be regulated in terms of Para 6 and the claim for Revised Family Pension is to be regulated in terms of Para 7 and the claim for Revised Commutation of Pension is to be governed by Para 8 of this OM. The operative part of the Office Memorandum dated 25.02.2022 *[Annexure P-4]* reads as under:

ANNEXURE P-4
Dated: 25.02.2022

"No. Fin(Pen)A(3)-1/2021-Part-1
Government of Himachal Pradesh
Finance (Pension) Department
****
Dated: Shimla-17002,
the 25th February, 2022

OFFICE MEMORANDUM

Subject: Revision of provision regulating Pension/Gratuity/Commutation of Pension and Family Pension.

The undersigned is directed to state that the Governor, Himachal Pradesh is pleased to **introduce the following modifications in the Rules** regulating Pension, Retirement /Death/Service Gratuity and Family Pension under the C.C.S. (Pension) Rules, 1972 (hereinafter referred to as Pension Rules) and the Commutation of Pension under the CCS (Commutation of Pension) Rules, 1981.

2. These orders shall apply to the Himachal Pradesh Government employees governed by the CCS (Pension) Rules, 1972.

DATE OF EFFECT

3.1 The **revised provisions as per these orders shall apply to Government servants who retire/die in harness on or after 01.01.2016.** Separate orders are being issued in respect of the employees who retired/died before 01.01.2016.

3.2 Where pension/gratuity/commutation and family pension has already been sanctioned in the cases occurring on or after 01.01.2016 the same **shall be revised in terms of these order.** In cases, where pension has been finally sanctioned on the pre-revised orders and if it happens to be more beneficial than the pension becoming due under these orders, the pension already sanctioned shall not be revised to the disadvantage of the pensioners in view of the provisions contained under Rule 70 of the CCS (Pension) Rules, 1972.

EMOLUMENTS

4.1 The term '**Emoluments**' for the **purposes of calculating various pensionary benefits other than various kinds of gratuity** shall have the same meaning as in Rule 33 of the Central Civil Services (Pension) Rules, 1972 read with instructions contained in the Government OM No. Fin (Pen) A (3)-12/2010 dated 12th March, 2013.

4.2 The 'Basic Pay' in the revised pay structure means the pay drawn in the prescribed 'Levels of the Pay Matrix with effect from 01.01.2016, but does not include any other type of pay like special pay etc.

4.3 In the **case of all kinds of gratuity**, dearness allowance admissible on the date of retirement / death shall continue to be treated as emoluments along with the emoluments as defined in Paragraph 4.1 above.

PENSION

5.1 Subject to Parn 5.2 below, there shall be no change in the provisions regulating the amount of pension as contained in Rule 49 of the CCS (Pension) Rules 1972.

5.2 The amount of pension shall be subject to a minimum of Rs. 9,000/-PM and the maximum pension will be Rs. 112050/-PM (i.e. 50% of the Rs.2,24,100/-). The provisions of the sub-rule (2) of Rule 49 of the CCS (Pension) Rules, 1972 shall stand modified to this extent.

5.3 The quantum of the additional pension/ family pension available to the old pensioners /family pensioners attaining the age of 80 years and above shall continue to be as follows:

Age of pensioner	Additional quantum of pension/ family pension
From 80 years to less than 85 years	20% of basic pension/ family pension
From 85 years to less than 90 years	30% of basic pension/ family pension

From 90 years to less than 95 years	40% of basic pension/ family pension
From 95 years to less than 100 years	50% of basic pension/ family pension
100 years or more	100% of basic pension/ family pension

The Pension Sanctioning Authorities shall ensure that the date of birth and the age of pensioner is invariably indicated in the Pension Payment Order (PPO) to facilitate payment of additional pension by the Pension Disbursing Authority, as soon as it becomes due. The amount of additional pension will be shown distinctly in the pension payment order. For example: in case where a pensioner is more than 80 years of age and his pension is Rs. 20,000/- PM, the pension will be shown as (i) basic pension- Rs. 20,000/- PM and (ii) Additional pension Rs. 4,000/- PM. The pension, on attaining the age of 85 years, will be shown as (i) basic pension Rs. 20,000/-PM and (ii) additional pension Rs. 6,000/- PM.

Retirement/Death Gratuity

6.1 The rates for payment of death gratuity shall be revised as under:-

Length of qualifying service	**Rate of Death Gratuity**
Less than one year	2 times of monthly emoluments
One year or more but less than 5 years	6 times of monthly emoluments
5 years or more but less than 11 years	12 times of monthly emoluments

11 years or more but less than 20 years	20 times of monthly emoluments
20 years or more	Half month's emoluments for every completed six-monthly period of qualifying service subject to a maximum of 33 times of emoluments.

Accordingly, the Rule 50(1)(b) of the CCS (Pension) Rules, 1972 shall stand modified to this extent.

6.2 The maximum limit of **retirement gratuity and death gratuity is enhanced from Rs 10 Lakhs to Rs.20 Lakh.** The revised rates of retirement gratuity and death gratuity shall be admissible w.e.f. 01.01.2016. The first proviso under Rule 50 (1)(b) of CCS (Pension) Rules. 1972 shall stand modified to this extent.

FAMILY PENSION, 1964

7.1 Family pension shall be calculated at a uniform rate of 30% of basic pay in the revised pay structure and shall be subject to a minimum of Rs.9,000/-PM and the maximum family pension will be Rs.67,230/-PM i.e. 30% of the Rs. 2,24,100/-. Rule 54(2) relating to Family Pension, 1964 under CCS (Pension) Rules, 1972 shall stand modified to this extent.

7.2 The amount of enhanced family pension shall be 50% of basic pay in the revised pay structure and shall be subject to a minimum of Rs.9000/-PM and the maximum family pension will be Rs.1,12,050/-PM (i.e. 50% of the Rs.2,24,100/-). There will be no

other change in the provisions regulating family pension, enhanced family pension and additional family pension to old family pensioners.

COMMUTATION OF PENSION

8.1 There shall be **no change in the existing provisions with regard to commutation** values, the limit upto which the pension can be commuted or the period after which the commuted pension is to be restored.

8.2 The Government employees retired between the period 01.01.2016 to 31.12.2021 **shall 40% of the differential part of be paid lump-sum** commutation arrears of an amount upto 40 revised pension **in a phased manner as to be notified by the Finance Department**. Till such time, these pensioners will get higher revised pension.

8.3. These pensioners retired between the period 01.01.2016 to 31.12.2021 shall also have an option not to commute their differential part of revised pension. An option on 'Form-1" shall be exercised by such pensioners within three months from the date of issuance of these Orders.

Payments of arrears

10. The **arrears on account of revision of pension/ gratuity/ commutation/family pension** for the period w.e.f. 01-01-2016 to 31-01-2022 **shall be paid in such manner as may be decided by the Government in future**.

11. The Heads of Departments/Heads of Offices and the Principal Accountant General A&E), Himachal Pradesh will take immediate

action for revision of pension etc. in terms of these orders.

By order
Sd/-
Prabodh Saxena, IAS
Additional Chief Secretary (Finance) to the
Government of Himachal Pradesh."

9. Now this Court proceeds to analyze the contentions of the Learned Counsels for the respective parties hereinbelow.

CONTENTIONS OF LEARNED COUNSEL(S) FOR PETITIONERS-RETIREES:

10. ***First contention*** *of* Learned Counsel for the petitioner is that Rule 13 of the Himachal Pradesh Civil Services [Revised] Pay Rules dated 03.01.2022 *[Annexure P-3],* which confers unguided and unfettered discretion on the State Authorities to release arrears of salary which had accrued on account of the Revised Pay from 01.01.2016 till her superannuation on 31.01.2021 [in Lead case and in other cases till 31.12.2021] but the action of the State Authorities in withholding and deferring the release for about four and a half years (4½ years) now and in releasing the arrears of salary in a piecemeal and staggered manner is illegal and unconstitutional.

The above contention has force, *for the reason*, that once the State Authorities has taken a

conscious decision and notified the Himachal Pradesh Civil Services [Revised Pay] Rules on 03.01.2022 *[Annexure P-3], giving the arrears of salary accruing on account of revised pay scales to* all the persons appointed on regular basis to posts and services w.e.f. 01.01.2016 then, the State Authorities cannot escape its liability for releasing the arrears of salary which had accrued in favour of the petitioners and others similar employees by virtue of the aforesaid Rules; and the action of the State Authorities in *incorporating* Rule 13 in the Rules that the arrears of revised salary from 01.01.2016 to 31.12.2021 shall be paid in "such manner" and "at such time" as may be "approved by the Government", cannot stand the test of judicial scrutiny for the reason, *firstly,* the expressions "in such manner" and "at such time" as "as may be approved by the Government" contained in Rule 13 of the Rules confer unbridled, unrestricted, unfettered, uncanalised and unguided discretion on the State Authorities to release the arrears of revised salary is unreasonable and arbitrary; and *secondly,* the provision of Rule 13 which makes the actual release of arrears

of revised salary wholly at the whims and mercy and unfettered discretion of the State Authorities but without there being any guidelines for exercise of such discretion by State Authorities is unreasonable and arbitrary; and *thirdly*, the provision of Rule 13 enabling the State to release the arrears of revised salary at the discretion of the State Authorities but by giving a complete go-bye to the principles of fairness, non-arbitrariness and credibility and action of the State Authorities in embedding uncertainty in releasing earned/accrued salary at revised rates at its whims and discretion, but without spelling out the circumstances or eventualities or situations in clear and precise guidelines, where the aforesaid Rule was to be invoked; and in the absence of any guidelines, the fundamental and constitutional right to life, liberty and property cannot be permitted to be consigned to the limo of undefined premises and uncertain applications; and *fourthly*, the unfettered discretion vested in the State Authorities by virtue of Rule 13 cannot operate against the Rule of law embedded in Article 14 of the Constitution of India

so as to divest the petitioner of legal entitlement of salary, indefinitely for almost four and a half years {4½ years now} when, the earned/accrued salary is a property, within the meaning of Article 300-A of the Constitution of India; *and fifthly,* once the State Authorities have not enacted any law, which permits the State Authorities to divest an employee of the earned and accrued salary, (property) in case of financial constraints, and therefore, in absence of any law, the action of State Authorities in depriving the petitioner of earned/accrued salary by invoking Rule 13 cannot sustain; and *sixthly,* even Rule 13 is not a substitute for an enacted law, qua the situation contemplated under Article 300-A of the Constitution of India; and *seventhly*, even otherwise, the provision of Rule 13 is an exploitative and unconscionable provision inserted by State Authorities due to the inequality of bargaining power of the petitioner and other similar incumbents; and *eighthly,* aforesaid Rule defeats the foundational concept of fair play in State Action by depriving the petitioner of the means of livelihood, violating the core object

of social and economic justice embedded in Article 14 of the Constitution of India; and *ninthly,* the plea of the State Authorities, that the State has a discretion to release arrears of revised pay by fixing cut-off date for releasing arrears, cannot sustain, when, the State Authorities, by a conscious decision notified the HPCS Revised Pay Rules on 03.01.2022 *[Annexure P-3]* deciding to prescribe the cut-off date as 01.01.2016 for giving salary at revised rates then, the action of the State Authorities in carving out an artificial distinction at its whims and fancies for releasing the arrears of earned salary by treating it as a bounty, payable at the sweet will of the State Authorities is unreasonable, arbitrary and contrary to the State being a model employer; *and tenthly,* after the issuance of the Revised Pay Rules on 03.01.2022 [Annexure P-3] the petitioner and other similar incumbents were bound to exercise an option for fixation of pay in revised pay scale within one month from the date of issuance of these Rules i.e. before 28.02.2022 under Rule 6 and after taking into account processing time of three months upto

31.05.2022 ***"hereinafter referred to as the gestation period",*** which may normally be required by respective Head of Institution /Drawing and Disbursing Officer and Treasury etc., and therefore, the arrears of revised salary became due and payable to the petitioner and other similarly placed incumbents w.e.f. 01.06.2022.

Based on this, once the arrears of revised salary became due and payable w.e.f. 01.06.2022 but the action of the State Authorities in withholding or in prolonging or deferring or in staggering or in releasing the revised pay arrears in a piece-meal manner by invoking its unfettered, unbridled, uncanalised, unrestricted and unguided discretion under Rule 13 has resulted in grave and undesirable consequences. ***Absence of an defined and certain application of this Rule and even the absence of clear and precise guidelines,*** spelling out the eventualities or situations or circumstances or occasion as to when and at what time the arrears of revised pay could be withheld or delayed or could be released in a staggered, deferred or in a piece meal manner and therefore, the action of the State Authorities amounts

to withholding or delaying the "actual release of the earned and accrued right to salary at the revised rates" by virtue of Revised Pay Rules dated 03.01.2022 [Annexure P-3] and when, the ***"payability of entire arrears of revised pay became due w.e.f 01.06.2022"*** to petitioner and other similar incumbents. Moreover, nothing has been placed on record to establish that the State Authorities had any enacted law spelling out the eventualities or situations or circumstances or occasion for either withholding or delaying or in releasing the entire accrued arrears in a staggered or in a piece-meal manner and ***in the absence of any enacted law,*** the petitioner and other similar incumbents could not be deprived of her property i.e. earned salary including arrears by invoking the unbridled unfettered and unguided discretion so as to render the rights and benefits accruing under the Rules as redundant, otiose and nugatory. Further Rule 13 of the Rules cannot be made the basis for not releasing the entire arrears of earned/accrued salary at the revised rates, from the date of its payability w.e.f. 01.06.2022 for almost 4½ years

till day is highly oppressive, unreasonable, capricious, arbitrary. Even, the ***mischief contained in aforesaid Rule,*** leaving the petitioner and other incumbents at the mercy of the State Authorities for receiving their ***legal entitlements needs to be eliminated so*** that the petitioner and other similar incumbents are not deprived of their earned and accrued benefits of revised pay arrears and are ***not kept waiting for their earned benefits indefinitely, and that too at the whims and fancies*** of State Authorities, due to the unfettered, unbridled, uncanalised and unguided discretion conferred on the State Authorities/ Government. Petitioners having rendered service and having earned the revised pay cannot left at the mercy of the Authorities for seeking release of their legal entitlements. The salary earned by the petitioner and other incumbents under the Revised Rules of 2022 w.e.f. 01.01.2016 is ***"neither a bounty nor a charity but salary earned is a legal entitlement"*** and its payability and release cannot contingent upon the absolute and unfettered discretion of the State Authorities. The fundamental and constitutional right

to life, liberty and property [including the entire arrears of salary earned] cannot be permitted to be consigned to the limo of undefined premises and uncertain applications. Petitioner and other similar incumbents cannot be made to go with a begging bowl or to await the issuance of orders for release of the earned/accrued benefits at the mercy and discretion of the State Authorities [which in instant case has been delayed for 4 ½ years now] and that too by releasing the meagre amount in a staggered or in a piece-meal manner.

In these circumstances, in order to give effect to the Object and Scheme of the of the HPCS Revised Pay Rules dated 03.01.2022 [Annexure P-1], mischievous provision i.e. ***Rule 13 of the aforesaid Rules, is read down and is declared inoperative,*** so as to remedy the injustice caused to the petitioner and other similar incumbents. Resultantly, the petitioner and other similar incumbents are held entitled for release of "entire arrears of salary of revised pay" for the period from 01.01.2016 till her superannuation on 31.01.2021 [in Lead Case of Madhu Deshta and

likewise in other cases], despite the fact that "payability of entire arrears-benefits became due w.e.f. 01.06.2022". Even, the action of the State Authorities in releasing a meagre amount(s) in a staggered or in a piece-meal manner but in still not releasing entire amount of arrears of earned salary for more than 4 ½ years and therefore, the State Authorities cannot be permitted to perpetuate the injustice to the petitioner and to other similar incumbents anymore hereinafter. Ordered accordingly.

INTEREST ON DELAYED RELEASE OF ARREARS OF REVISED PAY:

11. ***Second contention*** of Learned Counsel for the petitioner is that after the issuance of Revised Pay Rules on 03.01.2022 *[Annexure P-3]* once salary-revised pay arrears became due and payable but since State Authorities did not release entire arrears for more than 4½ years now, and therefore, the petitioner may be held entitled for interest on such deferred release.

The above plea has force, *for the reason,* that once monetary entitlement of revised salary and its entire arrears has accrued in favour of petitioner

on issuance of the 03.01.2022 *[Annexure P-3] but its payability had crystallized* w.e.f. 01.06.2022 but payment of such monetary entitlement was withheld beyond the time and an employee was deprived of the right to use the said amount-lawful entitlement, then, deprivation of use of monetary lawful entitlement, entitles the petitioner to seek compensation or interest for loss occasioned by delay, in view of the mandate of the Hon'ble Supreme Court in the case of ***Bihar State Ardh Sarkari Arajpati Karamchari Maha Sangh and others versus State of Bihar and others [Writ Petition (Civil) No.932 of 2022]*** decided on 28.09.2026, underscoring the award of interest by compensating an employee who was deprived of the use of money, which had crystallized for payment but was withheld, delayed and was unduly prolonged by the State, entitling such employees for interest, *in the following terms:-*

> "52. The aforesaid exposition **underscores that the rationale underlying the award of interest lies in compensating for the deprivation of the use of money lawfully due to a person**. Where a monetary entitlement has crystallized and payment thereof is delayed beyond the time when

it became due and payable, the person entitled thereto is, for the intervening period, deprived of the use and benefit of the amount to which he is lawfully entitled. **Interest, in such circumstances, serves as recompense for such deprivation and seeks to compensate, to the extent capable of monetary assessment, for the loss occasioned by the delay.**

54. Having said that, the award of interest in exercise of the Court's equitable or constitutional jurisdiction cannot be permitted to assume the character of a punitive levy upon the public exchequer. Interest in such circumstances is intended to compensate, in a reasonable measure, for the prolonged deprivation of the use of money lawfully due and not to penalize the State. The rate of interest must, therefore, bear a reasonable relationship to the nature of the deprivation, the period for which the dues remained unpaid and the prevailing economic conditions.

55. Applying the aforesaid principles to the facts of the present case, we find that the employees/workmen **have been deprived of their salary arrears and other lawful monetary entitlements for an exceptionally prolonged period,** extending, in several cases, over decades. Such delay cannot be attributed by any figment of imagination to any act or omission on the part of the individual employees /

workmen. They have, for no fault of their own, been kept out of amounts which were lawfully due to them and which, in the ordinary course, would have been available for their use and benefit. The prolonged withholding of such dues, therefore, constitutes precisely the **kind of monetary deprivation for which reasonable interest serves as recompense.**

E. CONCLUSION AND DIRECTIONS

59. In light of the aforesaid discussion, we deem it appropriate to summarise the directions issued hereinabove as follows:-

e. The States of Bihar and Jharkhand shall ensure payment of simple interest at the rate of 12% per annum on the delayed EPF dues, and **at the rate of 6% per annum on the delayed salary, wages and other monetary entitlements,** for the period commencing from the date on which the respective amounts became due and payable until the date of their actual payment."

Considering the fact-situation of instant case, once the HPCS Revised Pay Rules were notified on 03.01.2022 *[Annexure P-3] deciding to* give the revised pay arrears to the petitioner and other employees w.e.f. 01.01.2016, subject to exercise of an option

within one month and even to those, who do not exercise under these Rules. After considering the period of option of one month and the time required for processing such option and thereafter in submitting Revised Pay Arrear Claim by Head of Office or by Drawing and Disbursing Officer to concerned Treasury and other Offices, if any, and after considering the gestation period of three months, the payability of arrears of salary at revised rates crystallized w.e.f. 01.06.2022. Despite the crystallization of payability w.e.f. 01.06.2022, the State Authorities did not release entire arrears of salary at revised rates, without any fault attributable to them but the Authorities have prolonged, withheld, denied and delayed the release of entire arrears for more than 4½ years till day which has certainly prejudiced the petitioner. For such deprivation of use of the lawful monetary entitlement-salary, the petitioner and other similar incumbents are entitled to seek recompense for such deprivation of their rightful use. Consequently, as per the principles outlined by the Hon'ble Supreme Court in case of ***Bihar State Ardh Sarkari Arajpati***

Karamchari Maha Sangh [supra], this Court holds the petitioner entitled for release of entire arrears of Revised Pay in lump-sum with the further mandate to recompense the petitioner by giving simple interest @ 6% per annum from the date its payability had crystallized w.e.f 01.06.2022 till the date of actual release of the earned/accrued right in terms of this judgement.

ACTION OF STATE IN DEFERRING REVISED PENSION UNSUSTAINABLE:

12. ***Third contention*** of Learned Counsel is that once the State Authorities have issued an Office Memorandum dated 25.02.2022 *[Annexure P-4], giving Revised Pension, Revised Gratuity and the Revised Commuted Pension to Government servants who* retired from service on or after 01.01.2016 but Para 10 of the Office Memorandum provided that the arrears of Revised Retiral Benefits accruing from 01.01.2016 to 31.01.2022 leaving the release of arrears of retiral benefits at the mercy of State Authorities Government is illegal.

MANDATE OF LAW ON RIGHT TO PENSION:

12(i). Before proceeding to analyze this contention, it is necessary to have a recap of the mandate of law regarding the legal recognition accorded to "concept of pension" is detailed hereinunder:

12(ii). While dealing with the right of an employee for pension, the Hon'ble Supreme Court has outlined that pension is not a bounty and right to pension is a valuable right in a Government Servant. Pension cannot be given by a State out of generosity. Pension is an earned benefit and right by virtue of long continuous available and unblemished service. Right to receive pension is covered under the right to property. Deprivation, delay or denying the right to receive pension fortifies the fundamental right of an employee. Antiquated notion of the State Authorities that since the pension is a bounty or a gratuitous payment depending upon the sweet will or the grace to the discretion of an employer and the same cannot be enforced by the Court has been held to be oppressive and has been deprecated. Right to pension and its payment does not depend upon the discretion of the Government being a social welfare means, so as to

achieve and provide socio-economic justice to a retiree, in the case of ***Deokinandan Prasad vs The State of Bihar and others, 1971 (2) SCC 330,*** *in following terms:-*

> "30. The question whether the pension granted to a public servant is property attracting Art. 31(1) came up for consideration before the Punjab High Court in ***Bhagwant Singh v. Union of India.*** It was held that such a right constitutes "property" and any interference will be a breach of Art 31 (1) of the Constitution. It was further held that the **State cannot by an executive order curtail or abolish altogether the right of the public servant to receive pension.** This decision was given by a learned Single Judge. This decision was taken up in Letters Patent Appeal by the Union of India. The Letters Patent Bench in its decision in *Union of India v. Bhagwant Singh* approved the decision of the learned Single Judge. The Letters Patent Bench held that the **pension granted to a public servant on his retirement is "property"** within the meaning of Art 31(1) of the Constitution and **he could be deprived of the same only by an authority of law and that pension does not cease to be property on the mere denial or cancellation of it.** It was further held that the character of pension as "property" cannot possibly undergo

such mutation at the whim of a particular person or authority.

31. The matter again came up before a **Full Bench of the Punjab and Haryana High Court in *K.R. Erry v. The State of Punjab***. The High Court had to consider the nature of the right of an officer to get pension. The majority quoted with approval the principles laid down in the two earlier decisions of the same High Court, referred to above, and **held that the pension is not to be treated as a bounty payable on the sweet will and pleasure of the Government and that the right to superannuation pension including its amount is a valuable right vesting in a Government servant....** But we agree with the view of the majority when it has approved its earlier decision that pension is not a bounty payable on the sweet will and pleasure of the Government and that, on the other hand, the right to pension is a valuable right vesting in a government servant.

33. Having due regard to the above decisions, we are of the opinion that the right of the petitioner to receive pension is property under Art 31 (1) and by a **mere executive order the State had no power to withhold the same.** Similarly, the said claim is also property under Art. 19(1)(f) and it is not saved by sub-article (5) of Art. 9. **Therefore, it follows that the**

> **order dated June 12, 1968 denying the petitioner fight to receive pension affects the fundamental right of the petitioner under Arts. 19(1) (f) and 31(1) of the Constitution, and as such the writ petition under Art. 32 is maintainable.** It may be that under the Pension Act (Act 23 of 1871) there is a bar against a civil court entertaining any suit relating to the matters mentioned therein. That does not stand in the way of a Writ of Mandamus being issued to the State to properly consider the claim of the petitioner for payment of pension according to law."

12(iii). While dealing with a right of a retiree for pension, it has been outlined that pension is not only compensation for loyal service rendered in a post but pension has broader significance, to ensure socio-economic justice. Pension payable to Government Servant is earned by long efficient service and is a deferred portion of a compensation for service rendered. The object of pension is to ensure that a pensioner lives with decency, independency, self-respect and standard equivalent at pre-retirement level, in view of the broader principles outlined by the Constitutional Bench of the Hon'ble Supreme Court in ***D.S. Nakara***

versus Union of India, (1983) 2 SCC 305, *in following terms:*

> "22. In the course of transformation of society from feudal to welfare and as socialistic thinking acquired respectability, State obligation to provide security in old age, an escape from undeserved want was recognised and as a first step pension was treated not only as a reward for past service but with a view to helping the employee to avoid destitution in old age. **The quid pro quo, was that when the employee was physically and mentally alert he rendered unto master the best, expecting him to look after him in the fall of life. A retirement system therefore exists solely for the purpose of providing benefits.** In most of the plans of retirement benefits, everyone who qualifies for normal retirement receives the same amount.
>
> 24. A political society which has a **goal of setting up of a welfare State,** would introduce and has in fact introduced as a welfare measure wherein the retiral benefit is grounded on 'considerations of **State obligation to its citizens who having rendered service during the useful span of life must not be left to penury in their old age, but the evolving concept of social security is a later day development'. And this journey was over a rough terrain....**

26. Let us therefore examine what are the goals that pension scheme seeks to subserve? **A pension scheme consistent with available resources must provide that the pensioner would be able to live: (i) free from want, with decency, independence and self-respect, and (ii) at a standard equivalent at the pre-retirement level....**

Many are literally surviving now than in the past. **We owe it to them and ourselves that they live, not merely exist.** The philosophy prevailing in a given society at various stages of its development profoundly influences its social objectives. **These objectives are in turn a determinant of a social policy.** The law is one of the chief instruments whereby the social policies are implemented and 'pension is paid according to rules which can be said to provide social security law by which it is meant those legal mechanisms primarily concerned to ensure the provision for the individual of a cash income adequate, when taken along with the benefits in kind provided by other social services (such as free medical aid) to **ensure for him a culturally acceptable minimum standard of living when the normal means of doing so failed**'.

29. Summing-up it can be said with confidence that **pension is not only compensation for loyal service** rendered in the past,

but pension also has a broader significance, in that **it is a measure of socio-economic justice** which inheres economic security in the fall of life when physical and mental prowess is ebbing corresponding to aging process and **therefore, one is required to fall back on savings.** One such saving in kind is when you gave your best in the hey-day of life to your employer, in days of invalidity, economic security by way of periodical payment is assured. The term has been judicially defined as a stated allowance or stipend made in consideration of past service or a surrender of rights or emoluments to one retired from service. **Thus the pension payable to a Government employee is earned by rendering long and efficient service and therefore can be said to be a deferred portion of the compensation or for service rendered.** In one sentence one can say that the most practical raison d'etre for pension is the inability to provide for oneself due to old age. One may live and avoid unemployment but not senility and penury if there is nothing to fall back upon.

31. **From the discussion three things emerge:**

(i) that pension is neither a bounty nor a matter of grace depending upon the sweet will of the employer and that it creates a vested right subject to 1972 rules which are statutory in character because they are enacted in exercise

of powers conferred by the proviso to Art 309 and clause (5) of Art. 148 of the Constitution;

(ii) that the pension is not an ex-gratia payment but it is a payment for the past service rendered; and

(iii) it is a social welfare measure rendering socio-economic justice to those who in the hey-day of their life ceaselessly toiled for the employer on an assurance that in their old age they would not be left in lurch....."

RIGHT TO PENSION AND GRATUITY UNDER STATUTORY RULES-CCS (PENSION) RULES 1972:

12(iv). For appreciating the claim of the petitioner, it is necessary to have recap of Rule 3 (1) (j); Rule 3 (1) (o) & (1) (r), Rule 33, Rule 49 (2), Rule 74, Rule 83; and Rule 85 (i) and (ii) of CCS Pension Rules, 1972, as applicable to the employees of the State Government, read as under:-

"Rule 3 (1) (j) of CCS [Pension] Rules:-

'Gratuity includes:

(i) 'service gratuity' payable under sub-rule (1) of Rule 49;

(ii) retirement gratuity/death gratuity payable under sub-rule (1) of Rule 50; and

(iii) 'residuary gratuity' payable under sub-rule (2) of Rule 50.

Rule 3 (1) (o) of CCS [Pension] Rules:

'pension' includes gratuity except when the term pension is used in contradistinction to gratuity, but does not include dearness relief.

Rule 3(1) (r) of CCS [Pension] Rules:-

'retirement Benefits includes pension or service gratuity, and retirement gratuity, where admissible.

Rule 33 of CCS [Pension] Rules:

The expression emoluments' means basic pay as defined in Rule 9 (21) (a) (i) of Fundamental Rules, **which a government servant was receiving immediately before his retirement** or on the date of his death and will also include non-practising allowance granted to medical officer in lieu of private practice.

Rule 49 (2) of CCS [Pension] Rules:-

(2) Subject to the provision of Sub Rule (2) of Rule 38, in the case of a Government servant retiring in accordance with the provisions of these rules after completing qualifying service of not less than ten years, the **amount of pension shall be calculated at fifty per cent of emoluments or average emoluments, whichever is more beneficial to him**, subject to a minimum of nine thousand per mensem and maximum

of one lakh twenty five thousand rupees per mensem.

Rule 74 of CCS [Pension] Rules:-

74. Date of retirement to be notified:

When a **Government servant retires from service**:

(a). **notification in the Official Gazette** in the case of a Gazetted Government servant, and

(b). an office order in the case of a non-Gazetted Government servant shall be issued specifying the date of retirement within a week of such date and a copy of every such notification or office order, as the case may be, shall be forwarded immediately to the Accounts Officer:

Provided that where a notification in the Official Gazette or an office order, as the case may be, regarding the grant of leave preparatory to retirement to a Government servant is issued, a further notification or office order that the Government servant has actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and the retirement is for any reason ante-dated or postponed.

Rule 83 of CCS [Pension] Rules:

83. Date from which pension becomes payable

(1) Except in the case of a Government servant to whom the provisions of Rule 37 apply and subject to the provisions of Rules 9 and 69, **a person other than** family pension shall become **payable from the date on which a Government servant ceases to be borne on the establishment**.

(2) Pension including family pension shall be payable for the day on which its recipient dies.

Rule 85 of CCS [Pension] Rules:-

85. Manner of payment of gratuity and pension

(1) Except as otherwise provided in these rules, a **gratuity shall be paid in lumpsum.**

(2) A pension fixed at monthly rates shall be payable monthly on or after the last working day of the month to which the pension relates except for the month of March when it shall be payable on or after 1st working day of April."

MANDATE OF LAW- BENEFITS ACCRUING UNDER STATUTORY RULES-THE CCS (PENSION) RULES 1972 CANNOT BE NEGATED BY EXECUTIVE FIAT-ORDER:

12(v). The Hon'ble Supreme Court has mandated in the case of ***U.P. Raghavendra Acharya and others versus State of Karnataka and others, 2006***

(9) SCC 630, that the rights and benefits accruing under the Statutory Rules cannot be negated, defeated or taken away by a mere executive order or an OM in the following terms:-

> "23. The stand of the State of Karnataka that the pensionary benefits had been conferred on the appellants w.e.f. 1.4.1998 on the premise that the benefit of the revision of scales of pay to its own employees had been conferred from 1.1.1998, in our opinion, is wholly misconceived. Firstly, because the employees of the State of Karnataka and the appellants, in the matter of grant of benefit of revised scales of pay, do not stand on the same footing as revised scales of pay had been made applicable to their cases from a different date. Secondly, the appellants had been given the benefit of the revised scales of pay w.e.f. 1.1.1996. It is now well settled that a notification can be issued by the State accepting the recommendations of the Pay Revision Committee with retrospective effect as it was beneficent to the employees. **Once such a retrospective effect is given to the recommendations of the Pay Revision Committee, the concerned employees despite their reaching the age of superannuation in between the said dates and/or the date of issuance of the notification would be deemed to be getting the said scales of pay** as on 1.1.1996. **By reason**

of such notification as the appellants had been derived of a vested right, they could not have been deprived therefrom and that too by reason of executive instructions.

25. **Pension, as is well known, is not a bounty. It is treated to be a deferred salary.** It is akin to right of property. It is co-related and has a nexus with the salary payable to the employees as on the date of retirement.

28. The impugned orders furthermore is opposed to the basic principles of law inasmuch as by reason of **executive instructions an employee cannot be deprived of a vested or accrued right.** Such a right to draw pension to the extent of 50% of the emoluments, computed in terms of the rules, w.e.f. 1.1.1996, **vested to the appellants in terms of Government notification read with Rule** 296 of the Rules."

12(v-a). Similar reiteration of law has been outlined by the Hon'ble Supreme Court in ***State of Jharkhand and others versus Jitendra Kumar Srivastava and another, (2013) 12 SCC 210,*** mandating that the Instructions cannot supplant the Statutory Rules, *in following terms:-*

"7. The aforesaid arguments of the learned Senior Counsel based on the judgment

in Sant Ram Sharma would not cut any ice in so far as present case is concerned, because of the reason this case has no applicability in the given case. Sant Ram judgment governs the field of administrative law wherein the Constitution Bench laid down the principle that **the rules framed by the authority in exercise of powers contained in an enactment, would also have statutory force.** Though the administration can issue administrative instructions for the smooth administrative function, **such administrative instructions cannot supplant the rules.** However, these administrative instructions can supplement the statutory rules by taking care of those situations where the statutory rules are silent. This ratio of that judgment is narrated in the following manner: (AIR p. 1914, para 7)

> "7.……It is true that there is no specific provision in the Rules laying down the principle of promotion of junior or senior grade officers to selection grade posts. But that does not mean that till statutory rules are framed in this behalf the Government cannot issue administrative instructions regarding the principle to be followed in promotions of the officers concerned to selection grade posts. **It is true that Government cannot amend**

or supersede statutory rules by administrative instructions, but if the rules are silent on any particular point Government can fill up the gaps and supplement the rules and issue instructions and inconsistent with the rules already framed".

There cannot be any quarrel on this exposition of law which is well grounded in a series of judgments pronounced post Sant Ram Sharma case as well. However, the question which is posed in the present case is altogether different.

14. The **right to receive pension was recognized as right to property** by the Constitution Bench Judgment of this Court in *Deokinandan Prasad v. State of Bihar;* as is apparent from the following discussion: (SCC pp. 342-43, paras 27-33)

"27. The last question to be considered, is, whether the right to receive pension by a Government servant is property, so as to attract Articles 19(1) (f) and 31(1) of the Constitution. This question falls to be decided in order to consider whether the writ petition is maintainable under Article 32. To this aspect, we have already adverted to earlier and we now proceed to consider the same.

30. The question whether the pension granted to a public servant is property

attracting Article 31(1) came up for consideration before the Punjab High Court in *Bhagwant Singh v. Union of India*. It was held that such a right constitutes "property" and any interference will be a breach of Article 31 (1) of the Constitution. It was further held that the **State cannot by an executive order curtail or abolish altogether the right of the public servant to receive pension...."**

EVENTUALITIES IN WHICH PENSION AND/OR GRATUITY COULD BE WITHHELD OR WITHDRAWN OR RECOVERY CAN BE MADE THEREFROM:

12(vi). Government of India issued the Central Civil Service (Pension) Rules 1972, and these Rules were adopted and made applicable by State of Himachal Pradesh for regulating the claim for Pension (including Family Pension) and Gratuity (including Death Gratuity) to retired government servants. By and large various Boards/Corporations which are owned and controlled by State of Himachal Pradesh have adopted and applied these Rules and some of them have issued their own Rules /Regulations, which are pari-materia to these Rules. ***Rule 9 of the CCS (Pension) Rules*** spells out the eventualities, when, the State Government has been empowered to either ***"withhold or withdraw or to***

recover" either the pension or gratuity or both, which is payable to a retired government servant alike the petitioner. Rule 9 of the CCS [Pension] Rules read as under:-

Rule 9 of CCS [Pension] Rules:-

9. Right of President to withhold or withdraw pension

(1) The President reserves to himself the right of ***withholding*** a pension or gratuity, or both, either in full or in part, or ***withdrawing*** a pension in full or in part, whether permanently or for a specified period, and of ***ordering recovery*** from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, **if, in any departmental or judicial proceedings,** the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement:

Provided that the Union Public Service Commission shall be consulted before any final orders are passed:

Provided further that where a part of pension is withheld or withdrawn the amount of such pensions shall not be reduced below the amount

of rupees three thousand five hundred per mensem.

(2) (a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:

Provided that where the departmental proceedings are instituted by an authority subordinate to the President, that authority shall submit a report recording its findings to the President.

(b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement, or during his reemployment-

(i) shall not be instituted save with the sanction of the President,

(ii) shall not be in respect of **any event which took place more than four years before such institution**, and

(iii) shall be conducted by such authority and in such place as the President may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

(3) Deleted.

(4) In the case of Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a ***provisional pension as provided in Rule 69*** shall be sanctioned.

(5) Where the President decides not to withhold or withdraw pension **but orders recovery of pecuniary loss** from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government servant.

(6) For the purpose of this rule:

(a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government

servant has been placed under suspension from an earlier date, on such date; and

(b) judicial proceedings shall be deemed to be instituted –

(i) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognizance, is made, and

(ii) in the case of civil proceedings, on the date the plaint is presented in the court."

12(vii). In the backdrop of the Statutory Rules i.e. the CCS (Pension) Rules 1972 though right for pension accrues to a Government Servant and such pension becomes payable from next month after the date a government servant ceases to be on establishment after retirement. Rule 9 of the Rules, as extracted above spells out that State Authorities have been empowered to "withhold or withdraw or to make recovery" from payable Pension or Gratuity or both, if departmental or judicial proceedings are instituted and such proceedings are pending on the date of retirement and such proceedings are continued, in which, a pensioner is found guilty of grave misconduct or negligence during the period of service.

In lead case and other connected cases, State Authorities issued an Office Memorandum dated 25.02.2022 *[Annexure P-4]* entitling the petitioner for and other retirees for Revised Pension from the date of her superannuation w.e.f. 01.02.2021 [in the Lead Case] and similar entitlement for Revised Pension had accrued to other Government Servants who retired from government service or service of the Boards /Corporations, who were governed by CCS (Pension) Rules on or after 01.01.2016. Despite the entitlement and accrual of the right for pension under the CCS (Pension) Rules 1972, as referred to above, the State Authorities have incorporated Para 10 in the Office Memorandum dated 25.02.2022 **[Annexure P-4]** providing that the arrears of revision of pension/gratuity /commuted pension/family pension from 01.01.2016 to 31.01.2022 shall be paid in ***"such manner as may be "decided by the Government in future".*** Para 10 of the OM cannot pass the test of judicial scrutiny, *for the reason, firstly,* that accrual of right of Pension by virtue of the Statutory Rules, i.e. the CCS [Pension] Rules, cannot be defeated, curtailed

or negated by mere insertion of Para 10 in the OM *and* *secondly*, even Para 10 as contained in Office Memorandum dated 25.02.2022 *[Annexure P-4]* being an executive order, can neither take away or curtail or deny or delay the release of the arrears of Revised Pension to the petitioner and other retirees by giving a complete go-bye to the Statutory Rules establishes manifest unfairness, unreasonableness, arbitrariness in State action and the aforesaid Executive order-OM cannot be permitted to form the basis for defeating the accrued-vested valuable right for revised pension and arrears of revised pension, which had crystallized under Statutory Rules; *thirdly*, the use of expression "in such manner as may be decided by Government in future" in Para 10 of the OM confers unbridled, unrestricted, unfettered, uncanalised and the unguided discretion on the State Authorities to release arrears of pension is unreasonable and arbitrary, as the actual release of arrears of revised pension cannot be made wholly dependent at the whims and mercy and unfettered discretion of the State Authorities and that too without there being any guidelines for

invocation of such discretion by the State Authorities ; and *fourthly,* once by virtue of **Statutory Rules, i.e.** the Central Civil Services (Pension) Rules 1972, petitioner had acquired a fundamental and constitutional right to receive pension, including revised pension and its arrears therefore such an acquired/vested right cannot be permitted to be consigned to the undefined and uncertain premises and uncertain applications ***by a mere executive fiat by invoking Para 10*** of the OM is unsustainable; and *fifthly*, the unfettered discretion vested in Para 10 cannot be permitted to operate so as to divest the petitioner of valuable legal entitlement for arrears of pension for almost four and a half years {4½ years now}; and *sixthly,* the action of the State Authorities in divesting the petitioner of the earned/accrued pension, which is a property, within the meaning of Article 300-A, without there being any law enacted by the State Authorities providing for divesting a retiree of the earned and accrued pension (property) even in case of financial constraints ; and *seventhly,* the provision of Para 10 is an exploitative and unconscionable provision

which has been inserted by the State Authorities due to the inequality of bargaining power of the petitioner and all other similar incumbents; and *eighthly,* the State Authorities are under obligation to provide security in old-age and Para 10 of Office Memorandum cannot be permitted to be used as an escape route for not releasing arrears of revised pension ; and *ninthly,* the provision of Rule 9 of CCS (Pension) Rules 1972, provides that State Government can "withhold or withdraw or recover" either Pension or Gratuity or both, of a pensioner if departmental or judicial proceedings are instituted and such proceedings are pending on the date of retirement and such proceedings are continued in which the pensioner is found guilty of grave misconduct or negligence. In case, neither any disciplinary proceedings nor an judicial proceeding were pending nor was a pensioner held guilty of grave misconduct or negligence during service in the said proceedings; then, in the absence of any such proceedings and findings recorded therein, the non-release of entire arrears of revised pension amounts to "withholding or withdrawing" the

unreleased arrears of revised pension" by invoking Para 10 of the OM, is contrary to Rule 9 of the CCS (Pension) Rules and non-release being **without any authority of law is unsustainable;** and *lastly,* non-release of entire arrears of earned/accrued revised pension results in forcing the retirees, alike petitioner and others to destitution in old-age, penury and indigency and the action of depriving, withholding, denying or delaying the actual release of pension to a retiree by invoking Para 10 *is* opposed to public policy, and such action defeats the object and social justice being contrary to the bounden obligation of State being a model employer. Action of the State Authorities in not releasing entire arrears of revised pension to petitioner and other retirees by ***assuming and treating such benefits to be bounty* or gratis, releasable at the mercy of State *Authorities*** cannot be permitted to operate anymore hereinafter in violation of Statutory Rules, Central Civil Services (Pension) Rules 1972, so as to offend the fundamental ethos of the Constitution of India.

Resultantly, Para 10 of Office Memorandum dated 25.02.2022 [Annexure P-4], is opposed to public policy and being contrary to Statutory Rules i.e. CCS (Pension) Rules 1972, and action of State Authorities which tends to defeat, take away, curtail, withhold or delay the actual release of entire arrears of revised pension, without any authority of law; when, the right to revised pension and entire arrears earned had accrued and crystallized and had become payable from the next month [w.e.f. 01.02.2021 in Lead case} after the date of retirement on 31.01.2021 but the non-release of entire arrears of pension, cannot be permitted to operate hereinafter, anymore, so as to defeat the very foundational fabric of social justice, and the right of livelihood, and the right to live with human dignity, post-retirement also. Action of negating or delaying the release of entire arrears of revised pension, being the property, without there being any authority of law, indefinitely [for about 4½ years now]; but in releasing arrears of revised pension in a staggered or piecemeal manner; certainly impinges Article 14 and 300-A of the Constitution of India

and is violative of the Statutory Rules. Consequently ***the offending provision i.e. Para 10 in the OM*** enabling the State Authorities to release arrears of revised pension in a staggered or piecemeal manner at its unbridled, unrestricted, uncanalised, unfettered discretion, whims and fancies cannot sustain and is accordingly, quashed and set-aside ; and the petitioner and other similar incumbents in connected matters are held entitled for the release of entire arrears of revised pension, alongwith interest, in terms of the directions contained in this judgement.

WITHHOLDING, DENYING OR DELAYING RELEASE OF REVISED GRATUITY:

13. ***Fourth contention*** of Learned Counsel is that once as per Rule 50 of the CCS (Pension) Rules, 1972, the Gratuity becomes payable in lump-sum under these Rules, then, the Para 10 of Office Memorandum dated 25.02.2022 *[Annexure P-4], providing to give the arrears of Revised Gratuity to Government servants* at mercy of the State Authorities Government is illegal.

STATUTORY RULES-CCS (PENSION) RULES 1972 GOVERNING RIGHT TO PENSION AND GRATUITY:

13(i). For appreciating the claim of the petitioner at the sake of repetition, it is necessary to have a recap of Rule 3 (1) (j); Rule 50 and Rule 85 (i) and (ii) of CCS Pension Rules, 1972, as applicable to the employees of the State Government, read as under:-

> **"<u>Rule 3 (1) (j) of CCS [Pension] Rules:</u>**
>
> 'Gratuity includes:
>
> (iv) 'service gratuity' payable under sub-rule (1) of Rule 49;
>
> (v) retirement gratuity/death gratuity payable under sub-rule (1) of Rule 50; and
>
> (vi) 'residuary gratuity' payable under sub-rule (2) of Rule 50.
>
> **<u>Rule 50 of CCS [Pension] Rules:</u>**
>
> **50. Retirement/Death Gratuity**
>
> (1) (a) A Government servant, who has completed five years' qualifying service and has become eligible for service gratuity or pension under Rule 49, **shall, on his retirement, be granted retirement gratuity** equal to one-fourth of his emoluments for each completed six monthly period of qualifying service, subject to a maximum of 16½ times the emoluments.
>
> 1(b) If a Government servant **dies while in service, the death gratuity** shall

be paid to his family in the manner indicated in sub-rule (1) of Rule 51 at the rates given in the Table below, namely:-

	Length of qualifying service	Rate of death gratuity
(i)	Less than 1 year	2 times of emoluments
(ii)	One year or more but less than 5 years	6 times of emoluments
(iii)	5 years of more but less than 20 years	12 times of emoluments
(iv)	20 years or more	Half of emoluments for every completed six-monthly period of qualifying service subject to maximum of 33 times of emoluments

Provided that the amount of retirement gratuity or death gratuity payable under this rule shall in no case exceed ten lakh rupees;

Provided further that where the amount of retirement or death gratuity as finally calculated contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

(2) If a Government servant, who has become eligible for a service gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his

death on account of such gratuity or pension including ad hoc increase, if any, together with the retirement gratuity admissible under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments, a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule (1) of Rule 51.

3 Deleted

4 Deleted.

(5) The **emoluments for the purpose of gratuity** admissible under this rule, shall be reckoned in accordance with Rule 33:

Provided that if the emoluments of a Government servant have been reduced during the last ten months of his service otherwise than as a penalty, average emoluments as referred to in Rule 34 shall be treated as emolument.

Provided further that the dearness allowance admissible on the date of retirement of death, as the case may be, shall also be treated as emoluments for the purpose of this rule;]

(6) For the purposes of this rule and Rule 51,52 and 53, `family', in

relation to a Government servant, means –

(i) to (xi) … not relevant…

Rule 85 of CCS [Pension] Rules:

85. Manner of payment of gratuity and pension

(1) Except as otherwise provided in these rules, **a gratuity shall be paid in lumpsum**.

(2) A pension fixed at monthly rates shall be payable monthly on or after the last working day of the month to which the pension relates except for the month of March when it shall be payable on or after its working day of April.

13(ii). Perusal of Rule 50 (1) (a) read with Rule 85 (1) of CCS (Pension) Rules establish that the right to Gratuity crystallizes and becomes payable to a Government Servant on his/her retirement in lump-sum. Moreover, in terms of the Statutory Rules, once the petitioner and other retirees had acquired a right for revised gratuity and release of entire arrears of ***Gratuity in lump-sum***, therefore, the provision of Para 10 of Office Memorandum dated 25.02.2022 *[Annexure P-4], conferring* unfettered, unbridled, unguided unrestricted, and uncanalised discretion on State

Authorities to release the arrears of Revised Gratuity in ***"such manner as may be decided by the Government in future",*** cannot sustain, *for the reason*, *firstly,* *the Para 10 of the OM being* contrary to Rule 50 and Rule 85 (1) of CCS [Pension] Rules is illegal; and *secondly,* Para 10 of OM cannot be "a modus operandi" so as to negate the right under the Statutory Rules; and *thirdly,* the action of the State Authorities in not releasing the entire earned and accrued arrears of Revised Gratuity, despite its payability after the issuance of OM on 25.02.2022 *[Annexure P-4],* and ***after taking into account the gestation period of 3 months*** *{under Rule 68 of CCS (Pension) Rules and instructions issued thereunder]* i.e. period required for processing the claim for revised gratuity at the Departmental Level and by Accountant General, in case of government servants} and based on this, Revised Gratuity and entire arrears became payable w.e.f. 01.06.2022 and neither any departmental nor criminal-judicial proceedings were pending against petitioner-a retiree on such date, then, non-release of entire arrears of revised Gratutity to the petitioner

and other like retirees ***amounts to "withholding or withdrawing"*** the accrued right of entire arrears of gratuity in lump-sum, dehors the mandate of Rule 9 read with Rule 50 and Rule 85 (1) of the CCS (Pension) Rules; and *fourthly,* the right to Gratuity being a retiral benefit akin to pension constitutes property of a pensioner under Article 300-A of the Constitution of India and ***in the absence of "any enacted law"***, the provision of Para 10 of the Office Memorandum cannot be permitted to take away or curtail, defeat or negate the Constitutional right of the petitioner in a capricious and arbitrary manner; and *fifthly,* the right to receive revised gratuity and entire arrears of such revised gratuity cannot be withheld or delayed and denied for an indefinite period indefinitely [i.e. for about 4 ½ years now] ; and *lastly,* the action of the State Authorities in making release of entire arrears of revised gratuity, which were payable in lump-sum, purely contingent on the capricious discretion and whims of the State Authorities. Even, ***manifest perversity in decision making process is apparent,*** for the reason, that

once the State Authorities have taken a conscious decision to enhance/revise the Gratuity from Rs 10 lakhs to Rs 20 lakhs w.e.f. 01.01.2016, in terms of Para 3.2 and 6.2 of OM dated 25.02.2022 [Annexure P-4] subject to fulfilment of other conditions, from the date of retirement of government servant and based on such entitlement, ***petitioner and other retirees became entitled for the release of Revised Gratuity in lump-sum*** under Statutory Rule and therefore, for reasons already detailed [in Para 12(vii) of this judgement], Para 10 of the OM enabling the State Authorities to release arrears of revised gratuity in staggered or piecemeal manner or at its unbridled, unrestricted, uncanalised, unfettered discretion, whims and fancies cannot sustain.

Consequently, Para 10 is quashed and set-aside; and the petitioner and other similar incumbents in connected matters are held entitled for release of the entire arrears of revised gratuity in lump-sum, alongwith interest, in terms of the directions contained in this judgement.

WITHHOLDING AND DELAYED RELEASE OF REVISED DCRG- UNTENABLE:

14. ***Fifth contention*** of Learned Counsel is that as per Rule 54 of the CCS (Pension) Rules 1972 Death Cum Retirement Gratuity is a part of Gratuity, which becomes payable in lump-sum.

Para 10 of the Office Memorandum dated 25.02.2022 [Annexure P-4], providing for giving arrears of Revised DCRG at the mercy of the Government and thus, the resultant action of State Authorities in withholding or delaying the release of entire arrears of DCRG in lump sum, [to eligible family members in connected cases, wherever applicable] on the same analogy, on which, the Retirement /Service Gratuity is payable is capricious, arbitrary and illegal.

PROLONGING THE RELEASE OF REVISED FAMILY PENSION- UNTENABLE:

15. ***Sixth contention*** of the Learned Counsel is that Para 10 of Office Memorandum dated 25.02.2022 [Annexure P-4], providing that the arrears of Revised Family Pension shall be released in ***"such manner as may be decided by the Government in future",*** *is contrary to* Rule 54 read with Rule 83 (2) of CCS (Pension) Rules 1972 and in terms of Para 7.1 and Para 7.2 of Office Memorandum dated 25.02.2022

[Annexure P-4], eligible family members are entitled for enhanced/revised Family Pension from the date, the Government Servant dies. Moreover, Para 10 confers unfettered and uncanalised discretion on the State to release the Revised Family Pension Arrears amounts to forcing the family members to lead to indigency and penury and deprives the family members to live with dignity. In these circumstances, the eligible family members of deceased government servants {in any of the connected cases herein, and all other similar family members} shall be entitled for release of entire arrears of Family Pension along with interest in terms of this judgement.

NON-RELEASE OF ARREARS OF COMMUTED PENSION: [CWP No 11716 OF 2024, Dr JAGDEV & ORS vs STATE]

16. ***Seventh contention*** of Learned Counsel is that Para 8.2, Para 8.3 and Para 10 of the Office Memorandum dated 25.02.2022 [Annexure P-4], providing that the deferential amount or arrears of Commuted Pension [wherever applicable in connected cases or in case of other retirees] is to be released in "a phased manner as may be notified by the Government", *is* contrary to Statutory Rules, i.e. CCS [Commutation

of Pension] Rules 1981 and therefore, aforesaid Paras are illegal.

STATUTORY RULES-ON COMMUTED VALUE OF PENSION UNDER CCS (COMMUTATION OF PENSION) RULES 1981:

16(i). For appreciating the contention, a recap of Rule 4 and 5 of the CCS [Commutation of Pension] Rules 1981, as is applicable to the employees of State Government and Boards and Corporations owned and controlled by the State [whichever is applicable], read as under:-

Rule 4 of CCS [Commutation of Pension] Rules, 1981

4. Restriction on commutation of pension

No Government servant against whom departmental or judicial proceedings, as referred to in Rule 9 of the Pension Rules, have been instituted before the date of his retirement, or the pensioner against whom such proceedings are instituted after the date of his retirement, shall be eligible to commute a percentage of his provisional pension authorized under Rule 69 of the Pension Rules or the pension, as the case may be, during the pendency of such proceedings.

5. **Limit on commutation of pension** –

(1) A Government servant **shall be entitled to commute for a lump sum payment** of an amount not exceeding forty percent of his pension.

(2) In an application for commutation in Form 1 or Form 1-A or Form 2, as the case may be, an applicant shall indicate the percentage of pension which he desires to commute and may either indicate the maximum limit of forty percent of pension or such lower limit as he may desire to commute.

(3) If percentage of pension to be commuted results in fraction of a rupees, such fraction of a rupee shall be ignored for the purpose of commutation.

10. Retrospective revision of final Pension:-

An applicant who has commuted a fraction of his final pension **and after commutation his pension has been revised and enhanced retrospectively** as a result of Government's decision, the **applicant shall be paid the difference between the commuted value determined with reference to enhanced pension and the commuted value already authorized.** For the payment of difference the applicant **shall not be required to apply afresh**:

Provided that …..not relevant…"

16(ii). Bare reading of Rule 5 (1) of the CCS (Commutation of Pension) Rules 1981 mandates that an eligible government servant shall be entitled ***for commutation, for lump-sum payment,*** not exceeding 40% of his/her pension. Rule 10 provides that person who has commuted a fraction of his final pension and ***after commutation, his pension has been revised and enhanced retrospectively*** *as a result of the Government's decision, then, such person* ***shall be paid the difference*** between commuted value determined with reference to the enhanced pension and the commuted value already authorized and ***for payment of difference, applicant shall not be required to apply afresh***.

16(iii). In terms of the Statutory Rules, the object of commutation of portion of pension is to remit a lump-sum payment, out of the total pension to a Government Servant and on revision of pension retrospectively, the commutation value is to be revised /enhanced, without calling for any fresh option for commutation.

16(iv). Para 8.3 of the Office Memorandum dated 25.02.2022 [Annexure P-4], requiring a person-retiree, who had already availed of commutation, to exercise a fresh option, *in case, he does not intends* to seek revised/enhanced commutation amounts to whittling down or restricting the rights carved out under Rule 10 of the CCS (Commutation of Pension) Rules, which expressly mandates that the revised commuted value of pension is to be released without there being any requirement for making a retiree to exercise fresh option for availing or not to avail the revised commuted value of pension. Consequently, Para 8.3 of the OM which defeats the mandate of the Statutory Rule i.e. Rule 10 of CCS (Commutation of Pension) cannot be permitted to operate in instant form. Ordered accordingly.

16(v). Para 8.2 and Para 10 of Office Memorandum dated 25.02.2022 [Annexure P-4], providing that the deferential amount or arrears of Commuted Pension [wherever applicable in connected cases or in case of other retirees] is to be released in "a phased manner as may be notified by Government" cannot sustain,

being contrary to Rule 5 of Statutory Rules, which entitles a retiree for ***lump sum commuted value of pension and revised commuted value of pension*** and these offending provisions cannot be permitted to operate dehors the Statutory Rules. Moreover, action of the State Authorities abusing its discretion by staggering or deferring the release of Revised Commuted Pension Benefits in a whimsical manner renders the rights accrued under the Statutory Rules ineffective, unworkable, otiose and nugatory and thus these offending provisions, depriving a retiree of his legal entitlements, to the extent it provides for releasing benefits of revised commuted value at the unfettered, and unbridled mercy-discretion of the Authorities is unreasonable, illegal, arbitrary and is quashed and set-aside.

DEPRIVATION OF REVISED LEAVE ENCASHMENT DEHORS STATUTORY RULES IMPERMISSIBLE:

17. ***Eighth contention*** of Learned Counsel is that though the State Authorities have granted benefit of revised pay to petitioner by issuing the HPCS Revised Pay Rules 03.01.2022 [Annexure P-3] w.e.f. 01.01.2016 and on revision of pay retrospectively,

petitioner was entitled for the benefit of Revised Leave Encashment on superannuation on 31.01.2021 [in the Lead Case and likewise to others from date of their respective retirements}, then, action of the Authorities in withholding or delaying the release of the entire arrears of Leave Encashment is illegal.

17(i). For the purpose of appreciating the claim for Leave Encashment, it is necessary to have a recap of Rule 39 of the CCS (Leave) Rules 1972, as applicable to employees-retirees of State Government and from service of Boards and Corporations, reads as under:

Rule 39 of CCS [Leave] Rules:-

39. Leave/Cash payment in lieu of leave beyond the date of retirement compulsory retirement or quitting of service:

(1) No leave shall be granted to a Government servant beyond-

(a) the date of his retirement, or

(b) the date of his final cessation of duties, or

(c) the date on which he retires by giving notice to Government or he is retired by Government by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or

(d) the date of his resignation from service.

(2)(a) Where a **Government servant retires** on attaining the normal age

prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave **shall, suo motu, issue an order** granting cash equivalent of leave salary for both earned leave and half pay leave, if any, at the credit of the Government servant on the date of his retirement subject to a maximum of 300 days;

(b) The cash equivalent of leave salary under Clause (a) shall be calculated as follows and **shall be payable in one lumpsum** as a one-time settlement:-

(i)	**Cash equivalent for earned leave**	=	**Pay admissible on the date of retirement** plus Dearness Allowance admissible on that date / 30	x	Number of days of **unutilized earned leave at credit** subject to the total of earned leave and half pay leave **not exceeding 300 days**
(ii)	Cash payment in lieu of half pay leave component	=	Half pay leave salary admissible **on the date of retirement** plus Dearness Allowance admissible on that date / 30	x	Number of days of half pay leave at credit subject to the total of earned leave and half pay leave at credit not exceeding 300 days

NOTE: The overall limit for encashment of leave including both earned leave and half pay leave shall not exceed 300 days.

(c) To make up the shortfall in earned leave, no commutation of half pay leave shall be permissible.]

(3) The authority competent to grant leave may ***withhold*** whole or part of cash equivalent of earned leave in the case of a Government servant who retires from service on attaining the age of retirement ***while under suspension or while disciplinary or criminal proceedings are pending*** against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him on conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues, if any.

(4)(a) …not relevant…

(5-A) deleted.

(6)(a)(i) ….not relevant…

39-A. Cash equivalent of leave salary in case of death in service

In case a Government servant dies while in service, the cash equivalent of leave salary for both earned leave and half pay leave, if any, at the credit of the deceased Government servant on the date of his death, not exceeding 300 days ***shall be paid to his family*** in the manner specified in Rule 39-C and the cash equivalent payable shall be the same as in sub-rule (2) of Rule 39.

NOTE: In addition to the cash equivalent of leave salary admissible under this rule, the family of the deceased Government servant shall also be entitled to payment of Dearness Allowance only as per orders issued in this behalf separately.

39-B. Cash equivalent of leave salary in case of invalidation from service

(1) ….not relevant…

39-C. ….not relevant…

39-D. Cash equivalent of **leave salary in case of permanent absorption** in Public Sector Undertaking / Autonomous Body wholly or substantially owned or controlled by the Central /State Government

A Government servant who has been permitted to be absorbed in a service or post in or under a Corporation or Company wholly or substantially owned or controlled by the Central Government or State Government or in or under a body controlled or financed by one or more than one such Government **shall be granted suo motu by the authority competent to grant leave cash equivalent of leave salary** in respect of earned leave at his credit on the date of absorption subject to a maximum of 300 days. This will be calculated in the same manner

as indicated in Clause (b) of sub-rule (2) of Rule 39.

NOTE: The expression 'permanent absorption' used in Rule 39-D shall mean the appointment of a Government servant in a Public Sector Undertaking or an Autonomous Body, for which he had applied through proper channel and resigns from the Government service to take up that appointment.

MANDATE OF LAW RECOGNISING RIGHT FOR LEAVE ENCASHMENT AS PROPRTY AND LEGAL ENTITLEMENT:

17(ii). While dealing with the claim for Leave Encashment {though in case of reemployed employee} the Hon'ble Supreme Court in the case of ***State of Sikkim and others vs Dr. Mool Raj Kotwal, (2025) 10 SCC 584,*** has accorded legal recognition to Leave Encashment, accruing on retirement, under the Service Rules to be a property and a legal entitlement *in the following terms:*

> "27. In the said sequel, the philosophy and purpose of granting encashment of unutilized earned leave also warrants attention. ***Leave encashment is a legal entitlement*** that exists within the framework of service law and in the welfare of the employee. It allows employees to receive a monetary benefit in exchange for

leave they have earned but not taken during regular employment. This right is based on the **principle of deferred compensation to an employee** who has not taken leaves and served, for which the ***employer must compensate not only for his/her work,* but also for benefits of leave accumulated** over time limited to 300 days maximum. This entitlement is often established in statutory provisions, service rules *(such as Rule 36 of the Leave Rules)* or employment contracts, ***ensuring that employees are fairly compensated for their unutilized leave.***

28. A **three-judges Bench** of this Court in **'State of Rajasthan and Another v. Senior Higher Secondary School,** although in context of Section 29 of Rajasthan Non-Government Education Institutions Act 1989 interpreted **Leave Encashment as *"nothing but salary*** *for the un-availed leave to the credit of the employee".* Nonetheless, something more is required to understand the full import behind **grant of Leave Encashment, which is the benefit after retirement to a devoted employee.** Jurisprudentially, **leave encashment is grounded in two key principles**: equity and economic security. The principle of equity ensures that employees who forgo their right to take leave for the benefit of the organization are not deprived of its monetary value. The principle of economic security treats leave encashment

> as a form of deferred wages, similar to gratuity or pension benefits. This reinforces the employer's duty to maintain fair labour practices and protects employees' financial rights.
>
> 29. Interpreting leave encashment provisions goes beyond financial compensation and connects to **broader legal principles of dignity and welfare during service.** However, such interpretations must carefully balance the interests of both employees and the financial stability of the organization, especially when public exchequer is involved. Courts must tread carefully to prevent employees from claiming leave encashment multiple times for the same accrual, which could lead to unjust enrichment and may go against the public interest of largesse."

17(iii). Considering the mandate of Rule 39 of the CCS [Leave] Rules, 1972, an employee on retirement is entitled for encashment of unutilized earned leave and half pay leave upto a maximum of 300 days in her leave account. Leave encashment is a deferred compensation to an employee for who has not taken earned leave during service and who had forgone their right to take leave for the benefit of organization and such persons are not to be deprived of its monetary value. An employer is bound to compensate

such an employee, by granting salary or encashment for leaves in credit, subject to a maximum of 300 days of accumulated earned leaves in terms of the CCS (Leave) Rules, 1972 or similar Rules Service. Leave Encashment is based on the principle of equity and economic security. It is an economic security, in the form of deferred wages, similar to Gratuity or other pensionary benefits. Even if an employes stood retired from service and was granted the salary-encashment for unutilized earned/half pay leaves in credit but ***after the revision of pay scales retrospectively,*** the pay of such an employee-retiree is enhanced from date of retirement and ***the revised pay turns out to be the pay admissible on the date of retirement;*** therefore, such admissible pay due on the date of retirement has to form the basis for releasing the salary-leave encashment to an employee, so as to enforce the mandate of Rule 39 of the Rules and to attain the object of equity, economic security and to compensate an employee for having not taken /availed leave during regular service, and to attain objective of Statutory Rule and the legal recognition

accorded to such legal entitlement by ***Three Judges Bench of Honble Supreme Court*** in case of State of Rajasthan and Another vs Senior Higher Secondary School, (2005) 10 SCC 346 and reiterated in the case of ***Dr. Mool Raj Kotwal*** (supra).

17(iv). In terms of Rule 39 (2) (b) of the CCS (Leave) Rules 1972, the salary for unutilized earned leave based on "admissible pay" [with reference to the unrevised pay or revised pay] of a government servant on retirement, in lump-sum as a one-time settlement then, the State Authorities have no authority in law, either to defer or stagger its release by abusing its discretion or releasing this benefit in a piece-meal manner dehors the mandate of the aforesaid Statutory Rule. Discretion cannot be permitted to be exercised by State Authorities, on an issue or subject already occupied by the Statutory Rule, so as to make the beneficiaries to await their rightful legal entitlement(s) of Leave Encashment, indefinitely for about 4½ years now. Uncertainty in action or in extending rightful entitlements benefits is grossly unreasonable and highly arbitrary and is oppressive. Any administrative order

or instruction, if any, issued by the State Authorities which negates or takes away or deprives or tends to deprive an employee-retiree of the legal entitlement of Salary-Leave Encashment "on admissible pay due on retirement" under Rule 39 of the Statutory Rules cannot be permitted to operate hereinafter.

17(v). Even Rule 39 (3) of the CCS (Leave) Rules as extracted above spells out that the State Authorities have been empowered to ***"withhold"*** either whole or any part of cash equivalent of earned leave in case of Government servant who retires from service on attaining age of retirement *while under suspension or while disciplinary or criminal proceedings are pending* against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him on conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues, if any. In the absence of any such permitted eventualities, as detailed in Rule 39 (3) above, the ***Authorities had no authority in law*** to "withhold or defer or delay or release this benefit

in a staggered or piece meal manner, by acting contrary to the Statutory Rules, which recognizes its lump-sum payability.

Consequently, the action of State Authorities is oppressive and contrary to the Statutory Rules i.e. CCS (Leave) Rules 1972 and therefore, Authorities are mandated to release the entire lump-sum arrears of Leave Encashment [Unrevised and Revised] accruing on retirement [on 31.01.2021 w.e.f. 01.02.2021 in Lead case and from respective date of retirement of other employees-retirees], alongwith interest in terms of this judgement.

DEPRIVATION OR DELAY OF RETIRAL BENEFITS VIOLATIVE OF ARTICLE 300-A OF CONSTITUTION OF INDIAN:

18. ***Ninth contention*** of Learned Counsel is that deprivation of retiral benefits, which constitutes the property and the legal entitlement of the petitioner and other similar incumbents has force.

Action of Authorities in withholding, delaying, deferring or staggering the release of retiral benefits, including Revised Pension, Revised Gratuity, Revised Leave Encashment, Revised Commuted Pension and Revised Family Pension [wherever applicable], amounts

to defeating the Government Servants-Retirees their property under Article 300-A of the Constitution of India and such action of the Authorities is punitive and unsustainable, in view of the mandate of the Hon'ble Supreme Court in the case of ***Dr. Hira Lal vs State of Bihar and others, (2020) 4 SCC 346,*** *in the following terms:-*

> **"24. The right to receive pension has been held to be a right to property protected under Article 300A of the Constitution even after the repeal of Article 31(1) by the Constitution (Forty-Fourth Amendment) Act, 1978 w.e.f. 20.06.1979, as held in *State of West Bengal v. Haresh C. Banerjee and Ors."***

INTER-SE DISCRIMINATION IN EXTENDING REVISED RETIRAL BENEFITS UNSUSTAINABLE:

19. ***Tenth Contention*** of Learned Counsel is that the State Authorities have adopted a pick and choose criteria in releasing the benefits of arrears of revised pay and also arrears of revised retiral benefits amongst one Homogeneous Class of employees-retirees is discriminatory and unconstitutional.

19(i). For appreciating this contention, material on record indicates that after the issuance of HPCS Revised Pay Rules on 03.01.2022 w.e.f. 01.01.2016

[Annexure P-3], the State Authorities released part of arrears of revised pay on 17.09.2022 *[Annexure P-5/R-1]* in a staggered manner by releasing an instalment of Rs 50000 to Rs 60000/-.

19(ii). Likewise, after issuance of Office Memorandum dated 25.02.2022 *[Annexure P-4], the* State Authorities issued various other Office Memorandums *i.e. an* Office Memorandum on 17.09.2022 [Annexure P-6], then on 13.03.2024 [Annexure P-7]; then on 19.10.2024 [Annexure P-2], then on 27.01.2026 [Annexure R-1/III, at page 267 of the paper book]; then on 27.01.2026 [Annexure R-1/IV, at page 271 of the paper book] and on 25.04.2026 [Annexure R-1/II (colly), at page 276 of the paper book], releasing 100% of Revised Retiral Benefits to those retirees, who have crossed the age of 70 years and above, whereas, the petitioner in Lead Case and similar others who are below the age of 70 years were discriminated.

19(iii). Even in case of Class-IV Employees who stood retired between 01.01.2016 to 31.01.2022, the have been released majority of retiral benefits.

19(iv). State Authorities have admitted in Para 8 of Reply-Affidavit dated 17.06.2025 [at Page 78 of the paper book} that all the petitioners, including other similarly situated employees, retired between the period 01.01.2016 form one homogenous class.

MANDATE OF LAW-NEGATING PRACTICE OF PICK AND CHOOSE IN RELEASING BENEFITS AMONGST ONE HOMOGENOUS CLASS OF RETIREES:

19(v). In above backdrop, the action of the State Authorities in extending the Revised Retiral Benefits by adopting a pick and choose criteria amongst one Homogeneous Class of retirees, amounts to treating "equals as unequals" and this action is violative of Article 14 of the Constitution of India in view of broader principles outlined by the Hon'ble Supreme Court in case of ***All Manipur Pensioners Association by its Secretary versus The State of Manipur and others, (2020) 10 SCC 625,*** *in following terms:-*

> "8. Even otherwise on merits also, we are of the firm opinion that there is **no valid justification to create two classes,** viz., one who retired pre 1996 and another who retired post 1996, for the purpose of grant of revised pension, In our view, such a classification has no nexus with the object and purpose of grant of benefit of revised pension. ***All the pensioners***

form a one class who are entitled to pension as per the pension rules. Article 14 of the Constitution of India ensures to all equality before law and equal protection of laws. At this juncture it is also necessary to examine the concept of valid classification. A valid classification is truly a valid discrimination. It is true that Article 16 of the Constitution of India permits a valid classification. However, a very classification must be based on a just objective. The result to be achieved by the just objective presupposes the choice of some for differential consideration /treatment over others. A classification to be valid must necessarily satisfy two tests. Firstly, the distinguishing rationale has to be based on a just objective and secondly, the choice of differentiating one set of persons from another, must have a reasonable nexus to the objective sought to be achieved. The test for a valid classification may be summarized as a distinction based on a classification founded on an intelligible differentia, which has a rational relationship with the object sought to be achieved. Therefore, **whenever a cut-off date (as in the present controversy) is fixed to categorize one set of pensioners for favorable consideration over others**, the twin test for valid classification or valid discrimination therefore must necessarily be satisfied. In the present case, the classification in question has no reasonable

nexus to the objective sought to be achieved while revising the pension. As observed hereinabove, **the object and purpose for revising the pension is due to the increase in the cost of living. All the pensioners form a single class and therefore such a classification for the purpose of grant of revised pension is unreasonable, arbitrary, discriminatory and violative of Article 14 of the Constitution of India**. The State cannot arbitrarily pick and choose from amongst similarly situated persons, a cutoff date for extension of benefits especially pensionary benefits. There has to be a classification founded on some rational principle when similarly situated class is differentiated for grant of any benefit.

8.1 As observed hereinabove, and even it is not in dispute that as such a decision has been taken by the State Government to revise the pension keeping in mind the increase in the cost of living. Increase in the cost of living would affect all the pensioners irrespective of whether they have retired pre 1996 or post 1996. As observed hereinabove, **all the pensioners belong to one class.** Therefore, by **such a classification/cut-off date the equals are treated as unequals** and therefore such a classification which has no nexus with the object and purpose of revision of pension is unreasonable, discriminatory and arbitrary and therefore the said

> classification was rightly set aside by the learned Single Judge of the High Court. At this stage, it is required to be observed that whenever a new benefit is granted and/or new scheme is introduced, it might be possible for the State to provide a cut-off date taking into consideration its financial resources. But the **same shall not be applicable** with respect to one and single class of persons, the benefit to be given to the one class of persons, who are already otherwise getting the benefits and ***the question is with respect to revision***."

Considering the factual matrix and the mandate of law in case of ***All Manipur Pensioners Association*** *[supra], the* action of the State Authorities in carving out an artificial distinction between one homogeneous class of retirees who retired between the period from 01.01.2026 to 31.01.2022 for purposes of releasing retiral benefits of Revised Pension, Revised Gratuity, Revised Commuted Pension, Revised Leave Encashment and Revised Family Pension etc., [wherever applicable], ***does not satisfy the "twin tests" required for a valid classification.*** Action of the Authorities in giving preferential treatment to some categories based on age or category {Group C or D or Class III

or IV] is not based on a valid classification and such differential has no nexus which is sought to be achieved, as the object of giving the "revised retiral benefits is common to all categories of retirees" ; and the criteria and practice adopted by the Authorities amounts to treating "equals and unequal". In these circumstances, the disparity carved out by Authorities while releasing the retiral benefits by applying pick and choose criteria is violative of HPCS Revised Pay Rules dated 03.01.2022 [Annexure P-3] and the Office Memorandum dated 25.02.2022 [Annexure P-4] giving revised retiral benefits contrary to and dehors the Statutory Rules occupying the field i.e. the Central Civil Services (Pension) Rules 1972 and Central Civil Services (Commutation of Pension) Rules 1981 and the Central Civil Services (Leave) Rules 1972 **[**except for offending provision of Rule 13 of the Revised Pay Rules dated 03.01.2022, Annexure P-3 and Paras 8.2 and Para 10 of OM dated 25.02.2022, Annexure P-4, which have been interdicted by this Court**]** and the action of the State Authorities is unreasonable

arbitrary and violation of Article 14 of the Constitution of India.

CLAIM FOR INTEREST ON DELAYED LEGAL ENTITLEMENTS-MONETARY BENEFITS:

20. ***Last Contention*** is that in terms of HPCS Revised Pay Rules 03.01.2022 [Annexure P-3] and the Statutory Rules i.e. the CCS (Pension) Rules 1972 and CCS (Commutation of Pension) Rules 1981 and CCS (Leave) Rules 1972 and Office Memorandum issued on 25.02.2022 *[Annexure P-4] giving revised retiral benefits, once the* State Authorities have withheld or deferred and in not released entire arrears of revised pay and retiral benefits for about 4½ years now, therefore, the petitioner in Lead Case and others connected cases are entitled for interest on delayed payments.

MANDATE OF LAW ON INTESET ON DELAYED RELEASE OF REVISED PAY AND REVISED RETIRAL BENEFITS:

20(i). While interdicting the inaction of releasing retiral dues promptly, the entitlement of interest on delayed release of benefits was approved by the Hon'ble Supreme Court in the case of ***State of Kerala and others vs M. Padmanabhan Nair, (1985) 1 SCC 429,*** *in following terms:*

> "2. Usually the delay occurs by reason of non-production of the L.P.C. (last pay certificate) and the N.L.C. (no liability certificate) from the concerned Departments but both these documents pertain to matters, records whereof would be with the concerned Government Departments. Since the date of retirement of every Government servant is very much known in advance we fail to appreciate why the process of collecting the requisite information and issuance of these two documents should not be completed atleast a week before the date of retirement so that the **payment of gratuity amount could be made to the Government servant on the date he retires or on the following day and pension at the expiry of the following month**. The necessity for **prompt payment of the retirement dues to a Government servant immediately after his retirement** cannot be over-emphasised and it would not be unreasonable to direct that the **liability to pay penal interest on these dues at the current market rate** should commence at the expiry of two months from the date of retirement."

20(ii). While dealing with similar eventuality, the admissibility of interest at the rate of 18% per annum on retiral benefits, which were withheld by about two years was approved by the Hon'ble Supreme Court

in case of ***Vijay L. Mehrotra vs State of U.P. and others, (2001) 9 SCC 687,*** *in following terms:*

> "2. The appellant retired from service on 31st August, 1997. From the response filed by the respondent, it is clear that most of the payments of the retiral benefits to her were made long after she retired on 31st August, 1997....
>
> 4. In this case, there is absolutely no reason or justification for not making the payments for months together. We, therefore, direct the respondent to pay to the appellant within 12 weeks from today simple interest at the rate of 18 per cent with effect from the date of her retirement, i.e., 31st August, 1997 till the date of payments."

20(iii). Upholding the right to interest on delay in settlement and disbursement of retiral benefits, which were held not to be a "bounty", Hon'ble Supreme Court in case of ***D.D. Tewari (Dead) Through Legal Representatives vs Uttar Haryana Bijli Vitran Nigam Limited and others, (2014) 8 SCC 894,*** has awarded interest at the rate of 9% on delayed Pension and Gratuity from the date of entitlement till payment, *in following terms:-*

> "8. **For the reasons stated above, we award interest at the rate of 9% on**

> **the delayed payment of pension and gratuity amount from the date of entitlement till the date of the actual payment.** If this amount is not paid within six weeks from the date of receipt of a copy of this order, the same shall carry interest at the rate of 18% per annum from the date the amount falls due to the deceased employee…"

20(iv). While dealing with the claim for interest on entitlement to salaries and pensions. which are legal entitlement and was not a charity, the interest on delayed release of benefits was awarded by the Hon'ble Supreme Court in case of ***State of Andhra Pradesh and another vs Dinavahi Lakshmi Kameswari, (2021) 11 SCC 543,*** *in following terms:*

> "13. **The direction for the payment of the deferred portions of the salaries and pensions is unexceptionable.** Salaries are due to the employees of the State for services rendered. **Salaries in other words constitute the rightful entitlement of the employees** and are payable in accordance with law. Likewise, it is well settled that the **payment of pension is for years of past service rendered by the pensioners to the State**. **Pensions are hence a matter of a rightful entitlement recognised by the applicable rules** and regulations which govern the service of

> the employees of the State. The State Government has complied with the directions of this Court for the **payment of the outstanding dues in two tranches**. Insofar as the interest is concerned, we are of the view that the rate of 12% per annum which has been fixed by the High Court should be suitably scaled down. While learned counsel for the respondents submits that the award of interest was on account of the action of the Government which was contrary to law, we are of the view that the payment of interest cannot be used as a means to penalize the State Government. There can be no gainsaying the fact that the **Government which has delayed the payment of salaries and pensions should be directed to pay interest at an appropriate rate**.
>
> 14. **We accordingly order and direct that in substitution of the interest rate of 12% per annum** which has been awarded by the High Court, the Government of Andhra Pradesh **shall *pay simple interest computed at the rate of 6% per annum on account of deferred salaries and pensions*** within a period of thirty days from today…."

20(v). Right of an employee and a retiree for interest on the delayed release of retiral benefits has been outlined by the Honble Supreme Court in case of

Dr. A. Selvaraj vs C.B.M. College and others, (2022) 4 SCC 627, *in following terms:-*

> "10. Having heard learned counsel for the respective parties, we are of the opinion that as **there was a delay in making the payment of retirement benefits and settling the dues for which the appellant employee is not at all responsible, he is entitled to the interest on the delayed payment.** Even the Division Bench of the High Court has also observed in the impugned judgment and order that the appellant is entitled to the interest on the delayed payment. However, there is an inter se dispute between the Secretary, Management and the Government as to who is responsible for the delay in making the payment to the appellant and therefore, he has been denied the interest on delayed payment though entitled to.
>
> 12. In that view of the matter, subject to the further final order that may be passed by the Government, the College /Management **is first liable to pay the interest on the delayed payment of retirement dues** subject to the final decision, which may be taken by the Government, after hearing the Management and the former Secretary. However, because of the inter se dispute between the Management, Secretary and the Government on who is responsible for

> the delay in making the payment and /or settling the dues, **the retired employee should not be made to suffer for no fault of his."**

20(vi). Similar reiteration of law has been approved for interest on delayed release of retiral benefits at the rate of 6% per annum, by the Hon'ble Supreme Court in case of ***Ashok Kumar Dabas (Dead through Legal Heirs) versus Delhi Transport Corporation, 2025 SCC OnLine SC 2744,*** *in following terms:*

> "12. For the reasons mentioned above, the present appeal is partly allowed to the extent that the legal heirs of deceased **employee are held entitled to receive gratuity in terms of provisions of the 1972 Act.** They are also held entitled to receive amount towards his leave encashment. As far as grant of family pension is concerned, the claim being not admissible as per 1972 Rules, no relief on that account can be granted to the legal heirs of deceased employee. **The amount due to the deceased employee be paid within a period of six weeks along with interest @ 6% p.a. from the date of his resignation till payment."**

20(vii). Reiterating the right for interest at the rate of 6% per annum on the delayed release of retiral benefits, like Pension and Gratuity, which were held

back, despite having earned by an employee for unblemished service, the Hon'ble Supreme Court has outlined in case of ***Panchayat & Rural Development Department and ors vs Santosh Kumar Shrivastava, 2025 SCC OnLine SC 2042,*** *in following terms:*

> "5. Having withdrawn his earlier Writ Petition in view of intervening developments, the writ petition which gave rise to the present proceedings came to be filed. The learned Single Judge allowed the writ petition observing that the entire amount of pension and gratuity could not have been withheld on account of there being an order for recovery. It was held that since the amounts were not paid to him forthwith on his retirement, the appellants could not have charged him for illegal occupation of his government residential premises. Support for such a view was drawn from HK Saxena (Dr.) v. Dr. Harisingh Gour Vishwavidyalaya and Anr. The recovery of the amount was thus held illegal, and the appellants were also directed to pay 6% interest on the total amount to be refunded to the respondent as also ***6% interest on the amount of pension and gratuity paid to him*** from the date of superannuation till payment. The same was directed to be done within a period of three months.
>
> 11. In essence, what the Appellants did before the High Court was to blame the

Respondent for the delay in him receiving benefits rightly owed to him. We cannot accept this position. **Pension and other retiral dues are benefits that have been earned by an employee due to the service rendered to the institution paying the pension/other retirement benefits.** The grant of a residence corresponds to the position held at the time by such employee. The width of these two aspects is separate and distinct. Pension and retirement benefits accrue from a much wider base as the culmination of all efforts, across employment whereas the latter is only for a limited time, till such a person is holding that position. The latter cannot obstruct or defeat the former. The **Appellant cannot be allowed to withhold a duly accrued right** on this count.

12. Since the **delay is entirely on part of the Appellant,** and no reasonable explanation acceptable to law is forthcoming except for the **attempt to hold back pensionary benefits as a sword on the Respondent's head** for not having vacated his government allotted accommodation, in the facts of this case we see no error in the order of the learned single Judge awarding interest to the Respondent."

20(viii). Recently, entire law on interest on delayed payment of salary and monetary legal entitlements has been recapitulated by the Hon'ble Supreme Court

in the case of ***Bihar State Ardh Sarkari Arajpati Karamchari Maha Sangh and others vs State of Bihar and others*** decided on 28.099.2026, (supra), *in following terms:-*

> "49. Insofar as the **salary arrears and other monetary dues,** excluding provident fund dues, are concerned, the position stands on a somewhat different footing. Unlike the interest contemplated under Section 7-Q of the Act, **there is no uniform statutory provision prescribing a particular rate of interest in respect of the salary and other dues** involved in the present proceedings. The **entitlement to interest in such cases** is, therefore, required to be examined having regard to the **nature of the dues**, the **period for which they remained unpaid**, the **circumstances occasioning the delay** and the **extent of prejudice caused to the employees/ workmen by such withholding**.
>
> 51. Interest, in its ordinary legal sense, represents **compensation for the deprivation of the use of money to which a person is otherwise lawfully entitled**. The concept of interest is not confined to a return upon money borrowed or advanced, but **extends to compensation for the unjust deprivation occasioned by the withholding of money beyond the time when it becomes due and payable**. It is, in substance, **recompense**

for the loss occasioned by being kept out of the use of money which ought to have been available to the person entitled thereto. A Constitution Bench of this Court, in ***Central Bank of India v. Ravindra & Ors.***, while examining the concept and nature of interest, referred to the meaning attributed to the expression "interest" in various legal authorities and precedents, and observed as follows:

"37. **Black's Law Dictionary (7th Edn.) defines "interest" inter alia as the compensation fixed by agreement or allowed by law for the use or detention of money, or for the loss of money by one who is entitled to its use;** especially, the amount owed to a lender in return for the use of the borrowed money. According to Stroud's Judicial Dictionary of Words And Phrases (5th Edn.) **interest means**, inter alia, compensation paid by the borrower to the lender for deprivation of the use of his money, ***In Secy., Irrigation Deptt., Govt. of Orissa v. G.C. Roy [(1992) 1 SCC 508] the Constitution Bench opined that a person deprived of the use of money to which he is legitimately entitled has a right to be compensated for the deprivation, call it by any name. It may be called interest, compensation or damages. This is the principle of Section 34 of the Civil Procedure Code. In Sham Lal Narula (Dr) v. CIT***

[AIR 1964 SC 1878: (1964) 7 SCR 668] this Court held that interest is paid for the deprivation of the use of the money. The essence of interest in the opinion of Lord Wright, in Riches v. Westminster Bank Ltd. [(1947) 1 All ER 469: 1947 AC 390 (HL)] All ER at p. 472 is that it is a payment which becomes due because the creditor has not had his money at the due date. It may be regarded either as representing the profit he might have made if he had had the use of the money, or, conversely, the loss he suffered because he had not that use. The general idea is that he is entitled to compensation for the deprivation; the money due to the creditor was not paid, or, in other words, was withheld from him by the debtor after the time when payment should have been made, in breach of his legal rights, and interest was a compensation whether the compensation was liquidated under an agreement or statute. A Division Bench of the High Court of Punjab speaking through Tek Chand, J. in CIT v. Dr Sham Lal Narula [AIR 1963 Punj 411: (1963) 50 ITR 513] thus articulated the concept of interest: (AIR p. 414, para 8)"

(Emphasis supplied)

59. In light of the aforesaid discussion, we deem it appropriate to summarise the directions issued hereinabove as follows:-

(a) to (d) ….xxx…

e. The States of Bihar and Jharkhand shall ensure payment of simple interest at the rate of 12% per annum on the delayed EPF dues, and **at the rate of 6% per annum on the delayed salary, wages and other monetary entitlements, for the period commencing from the date on which the respective amounts became due and payable until the date of their actual payment."**

20(ix). Besides the above, Authorities have regulated the retiral benefits of Pension and Gratuity in case of State Government Employees, including employees of Boards and Corporations [subject to adoption] by CCS (Pension) Rules 1972. In terms of these Rules, expression "pension includes gratuity" and both are recognized as "Retirement benefits" of an employee. Rule 68 of the CCS (Pension) Rules 1972 provides for admissibility of interest on delayed release of retiral benefits, inaccordance with instructions issued from time to time, reads as under:

Rule 68 of CCS [Pension] Rules:-

Interest on delayed payment of gratuity:

(1). If the payment of gratuity has been authorized later than the date when its payment becomes due, and it is clearly established that the **delay in payment**

> **was attributable to administrative lapses**, **interest shall be paid** at such rate as may be prescribed and in accordance with the instructions issued from time to time:
>
> Provided that the delay in payment was not caused on account of failure on the part of the Government servant to comply with the procedure laid down by the Government for processing his pension papers."

20(x). Considering the mandate of the Statutory Rule i.e. Rule 68 of the CCS (Pension) Rules 1972, and the instructions issued by the State Authorities, prescribe the admissibility of interest on the delayed payment of Gratuity, as in payable on GPF, which is 7.1% per annum and in view of broad principles outlined by the Honble Supreme Court on admissibility of interest on delayed release of salary or retirement benefits, in the cases of **M Padmanabhan Nair, Vijay L Mehrotra,** ***Dinavahi Lakshmi Kameswari, Dr. A. Selvaraj, Ashok Kumar Dabas, Santosh Kumar Shrivastava*** and ***Bihar State Ardh Sarkari Arajpati Karamchari Maha Sangh*** (supra), this Court is of the considered view that, *firstly,* the delay in payment of Pension and Gratuity is attributable to the State

Authorities due to invocation of offending provisions i.e. Rule 13 in the Revised Pay Rules dated 03.01.2022 *[Annexure P-3]* and Para 10 of the Office Memorandum dated 25.02.2022 *[Annexure P-4]; and* secondly, *the* delay is not at all attributable to employees-retirees; and *thirdly,* once the employees-retirees have been held entitled for the revised pay arrears and revised retiral benefits after the issuance of Revised Pay Rules on 03.01.2022 and by issuing an OM on 25.02.2022 under the CCS (Pension) 1972 and CCS (Commutation of Pension) Rules 1981 holding the employees-retirees, alike the petitioner(s) for "revised pay benefits from 01.01.2016 and revised retiral benefits from date of respective retirements w.e.f 01.01.2016 or thereafter till 31.12.2021 and State Authorities have ***"conferred legal entitlement on the employees-retirees for benefits by prescribing the cut-off date w.e.f. 01.01.2016"*** then, accrued/crystallized valuable rights and benefits being "legal entitlements can neither be withheld nor restricted or delayed indefinitely or be released in a piecemeal and stagged manner due to the unbridled, unfettered, unguided discretion of

the State Authorities and that too by adopting pick and choose criteria amongst one homogenous class of retirees"; and *fourthly*, once State Authorities have prescribed the cut-off date for admissibility of legal entitlement i.e. benefits of arrears of revised pay w.e.f. 01.01.2016 and benefit of arrears of revised retiral benefits from the date of respective retirement between 01.01.2016 till 31.12.2021 then, the State Authorities cannot be permitted to tinker with the cut-off date originally prescribed, by prescribing an artificial cut-off date in the years 2022 to 2026 on the plea of financial constraints, which was to taken into account at the time of notifying the Rules and the OM and not subsequently; and *lastly,* once the ***"payability of these benefits had accrued /crystallized w.e.f. 01.06.2022"*** then, the petitioner in Lead Case and others connected cases and also those retirees, who had taken legal recourse, by filing petitions, which are pending or had been decided, as on the date of this judgement, are held entitled for interest on delayed payment(s) of entire revised pay arrears and entire retiral benefits w.e.f. 01.06.2022

[i.e. ***date of payability of said benefits***, as carved out by this Court ***after taking into account the gestation period of three month i.e.*** one month's of option period and the time required for completion of codal formalities after issuance of the Rules/Office Memorandum as referred to above].

Consequently, the incumbents, as spelt out above, are held entitled for simple interest at the rate of 6% per annum on arrears of pay as well as arrears of Revised Retiral Benefits from 01.06.2022 till its actual release in lump-sum, in terms of this judgment.

ANALYSIS OF CONTENTIONS BY LEARNED ADVOCATE GENERAL:

21. **First Contention** of Learned Advocate General is that due to financial constraints, and discontinuance of Revenue Deficit Grant by the Central Government, the State Authorities was forced to release the benefits by applying the provision of Rule 13 of the Revised Pay Rules and Para 10 of the OM granting the Revised Retiral benefits in terms of the Statutory Rules.

The above contention cannot sustain, for the reasons detailed hereinabove.

FINANCIAL CONSTRAINTS AND BURDEN NOT A GROUND TO DENY THE LEGITIMATE DUES-MONETARY ENTITLEMENTS:

21(i). Factual matrix, indisputably, establishes that State Authorities issued the Revised Pay Rules on 03.01.2022 *[Annexure P-3]* by giving effect to these Rules w.e.f. 01.01.2016. Likewise, the State Authorities also issued an Office Memorandum dated 25.02.2022 *[Annexure P-4]* under the Statutory Rules giving revised retiral benefits for the persons who retire between 01.01.2016 to 31.12.2021 under CCS (Pension) Rules 1972 and CCS (Commutation of Pension) Rules 1981. Reply-Affidavit filed by the State Authorities does not dispute the entitlements of Government Servants for Revised Pay Arrears and retirees for Revised Retiral Benefits. Stand in the Reply-Affidavit that due to financial burden or constraints, Rule 13 of Revised Pay Rules dated 03.01.2022 and Para 8.2 and Para 10 of the OM dated 25.02.2022 *[Annexure P-4] was* incorporated and invoked by State Authorities.

21(ii). Plea of financial burden cannot be invoked so as to defeat the legitimate dues or monetary benefits to the petitioner in Lead Case and other petitioners in connected cases, in view of the mandate of the Hon'ble

Supreme Court in the case of ***State of Rajasthan and others vs Mahendra Nath Sharma, (2015) 9 SCC 540,*** *in following terms:*

> "30 It is urged before us that it will put a heavy financial burden on the State. The said submission has been seriously resisted by the learned counsel for the respondents by urging that hardly 200-250 retired lecturers in the selection scale are alive in praesenti and the State cannot take a plea of financial burden to deny the legitimate dues of the respondents."

21(iii). Similar plea of financial burden was negated mandating that the legitimate monetary entitlements flowing from Statutory Rules, constitute the property under Article 300-A of the Constitution of India and such valuable right cannot be defeated or negate by raising the plea of financial burden, by the Hon'ble Supreme Court in the case of ***Bhikhani Devi and etc. vs Union of India and Others, 2026 SCC OnLine SC 1055,*** *in the following terms:-*

> "74. The argument founded upon financial burden is equally untenable. Pension is not a matter of grace dependent upon the financial convenience of the employer, but a deferred wage earned through long years of service. As already noticed hereinabove, this Court has recognized

> pension as a constitutional right in the nature of property protected under Article 300A of the Constitution of India as **held in *Jitendra Kumar Srivastava Case* (supra) and it, therefore, cannot be denied on the plea of financial burden**."

21(iv). Considering the fact-situation of instant cases and the principles outlined by the Hon'ble Supreme Court in the case of ***Mahendra Nath Sharma*** and ***Bhikhani Devi*** [supra], *the* plea of financial stringency, cannot sustain, *for the reason,* that once the State Authorities have taken a conscious decision, leading to issuance of Revised Pay Rules on 03.01.2022 and Office Memorandum dated 25.02.2022 *[Annexure P-4]* by giving retrospective effect to the Rules and Office Memorandum from 01.01.2016, and once the State Authorities have prescribed cut-off date for admissibility of legal entitlement i.e. benefits of arrears of revised pay w.e.f. 01.01.2016 and benefit of arrears of revised retiral benefits from the date of respective retirement between 01.01.2016 till 31.12.2021 then, the State Authorities cannot be permitted to tinker with the cut-off date originally prescribed, by prescribing an artificial cut-off date in the years 2022 to

2026 on the plea of financial constraints, which was to taken into account at the time of notifying the Rules and the OM and not subsequently. Plea of financial constraints or stringency is not a ground to defeat the rights under the Statutory Rules, as in instant batch of cases. State Authorities cannot issue norms which are in conflict the extant Statutory Rules and thus Rule 13 and Para 8.2 and Para 10 of the OM as referred to above, cannot be permitted to operate hereinafter. Even the legitimate expectation acquired under Statutory Rules for revised/enhanced benefits can neither be negated or whittled down or taken away or withheld nor can their release be prolonged indefinitely, merely by invoking offensive provisions of Rules 13 and Para 8.2 and Para 10 of the OM, defeats the very idea of welfare state. Moreover, while answering Question No 10 (though in the context of Dearness Allowance, which was a right accruing under the Statutory Rules}, the Honble Supreme Court has outlined in the case of ***State of West Bengal and another vs Confederation of State Government Employees West Bengal and***

Others (2026) 6 SCC 641, that the payment of the "established right for salary, pension, gratuity, or other statutory benefits" cannot be refused or denied or delayed on the plea of paucity of funds or financial constraints and the State is bound to honor its commitments and obligations under the Statutory Rules for its employees.

PLEA OF ABRUPT DISCONTINUANCE OF REVENUE DEFICIT GRANT IS AN AFTER THOUGHT AND ALSO FARCE:

22. **Second contention** of the Learned Advocate placing reliance on the Affidavit dated 15.05.2026 *[at page 209 onwards of paper book]* and Affidavit dated 28.02.2026 *[at page 230 onwards of paper book],* that 15th Finance Commission had recommended Revenue Deficit Grant [RDG] for the award period from 2021 -2022 and 2025-26 amounting to Rs 37,199/- Crores but 16th Finance Commission has not recommended any Revenue Deficit Grant for the Respondent-State for the award period 2026-2031 and even no other special grant has been released to the State and due to discontinuance of Revenue Deficit Grant, the State is facing financial hardships in releasing the arrears of pay and retiral benefits.

Above plea of the State Authorities does not impress this Court, *for the reason, <u>firstly,</u>* the material on record indicates that Himachal Pradesh Civil Services [Revised Pay] Rules were notified on 03.01.2022 *[Annexure P-3]* giving the revised pay to its employees w.e.f. 01.01.2016 and likewise, Office Memorandum dated 25.02.2022 *[Annexure P-4]* was notified giving Revised Retiral Benefits to Government Servants who retired on or after 01.01.2016 till 31.12.2021 *<u>and</u>* from the date of issuance of Rules/ Office Memorandum in January/February 2022 till the discontinuance of such RDG in the year 2026, ***State Government had received Revenue Deficit Grant of Rs 26950/- Crores [at page 165 of the paper book] for the award period from 2022-26,*** then, the plea of non-releasee of benefits, due to discontinuance of Revenue Deficit Grant cannot sustain; and *<u>secondly</u>*, the plea of discontinuance of RDG is an after-thought to cover up its inactions/ lethargy in depriving the petitioners and others retirees of their statutory legal entitlements; and *<u>thirdly</u>*, non-existent and farce plea of paucity of funds is untenable when,

Rs 26950/- Crores [at page 165 of the paper book] for the award period from 2022-26, in addition to States own budgetary allocation yet, the paucity of funds cannot be permitted to be the basis for not released the accrued/earned and crystallized statutory benefits.

ABSENCE OF PROVISION FOR INTEREST STILL ENTITLES AN EMPLOYEE-RETIREE FOR INTEREST ON DELAYED PAYMENTS:

23. ***Third Contention*** of the Learned Advocate General is based on the stand taken in Para 12 (g) and 15 (a to d) of Reply-Affidavit dated 17.06.2025 that once there is no provision for payment of interest on arrears of pay/pension, then, the claim for interest is untenable.

Above stand of the State Authorities in the Reply-Affidavit cannot stand the test of judicial scrutiny, *for the reason,* that the admissibility of interest on delayed payments, even if, there are no specific Rules or Orders for providing for interest, has been approved by the Hon'ble Supreme Court in view of the Articles 14, 19 and 21 of the Constitution of India as retiral benefits are not bounty in ***S.K. Dua***

vs State of Haryana and another, (2008) 3 SCC 44, *in the following terms:-*

> "14. In the circumstances, *prima facie*, we are of the view that the grievance voiced by the appellant appears to be well-founded that he would be entitled to interest on such benefits. **If there are Statutory Rules occupying the field,** the appellant could claim payment of interest relying on such Rules. If there are Administrative Instructions, Guidelines or Norms prescribed for the purpose, the appellant may claim benefit of interest on that basis. **But even in absence Statutory Rules, Administrative Instructions or Guidelines, an employee can claim interest under Part III of the Constitution relying on Articles 14, 19 and 21 of the Constitution**. The submission of the learned counsel for the appellant, that retiral benefits are not in the nature of "bounty" is, in our opinion, well-founded and needs no authority in support thereof. In that view of the matter, in our considered opinion, the High Court was not right in dismissing the petition in limine even without issuing notice to the respondents."

24. ***Fourth Contention*** of the Learned Advocate General is based on the judgments passed by the Hon'ble Supreme Court in *State of Punjab and others*

versus Boota Singh and another, (2000) 3 SCC 733; State of Punjab and others versus Amar Nath Goyal and others, (2005) 6 SCC 754; Himachal Road Transport Corporation Retired Employees Union, (2021) 4 SCC 502; and *State of Tripura and others versus Anjana Bhattacharjee and others, (2022) 19 SCC 705,* to assert and establish that financial constraints is a valid ground for prescribing the cut-off date which cannot be questioned by the Court.

24(i). Above plea of Learned Advocate General and reliance placed in the case of ***Boota Singh [supra]*** is misconceived, *for the reason,* that factual matrix was entirely different, wherein, the employees had retired from service in 1982 and they were seeking benefit of Notification dated 09.07.1985, which provided that Dearness Allowance and ad hoc Dearness Allowance was to be treated as Dearness Pay in terms of those persons who retired on or after 31.03.1985. The employees in the case of ***Boota Singh [supra]*** who retired prior to the cut-off date on 31.03.1985 were held to be not covered for the said benefits.

24(ii). Reliance in the case of ***Amar Nath Goyal [supra]*** is also misplaced, *for the reason,* that issue in said case is entirely different and is distinguishable, *for the reason,* that State of Punjab had taken a decision prescribing the cut-off date as 01.04.1995 for giving benefit of increased Death-cum-Retirement Gratuity [DCRG] after merging Dearness Allowance and the claim by pre-01.4.1995 retirees, including ***Amar Nath Goyal [supra],*** was negated.

24(iii). Reliance placed in the case ***Himachal Road Transport Corporation Retired Employees Union [supra]*** is misplaced when, the fact-situation in the case was entirely different. Respondent-Corporation in the case had introduced Pension Scheme dated 06.10.1995 w.e.f. 05.06.1995 and the retired employees of Association who retired prior to the cut-off date i.e. 05.06.1995 had come up challenging the cut-off date and extension of benefits which were denied on the ground that prescription cut-off date in view of financial stringency was valid. The fact-situation in instant case is entirely different.

24(iv). Reliance placed in the case of ***Anjana Bhattacharjee [supra]*** cannot come to the aid of the State, *for the reason,* that in the said case, the State of Tripura had notified Tripura Revised Pension Rules in 2009 and the said Rules expressly mandated that benefits shall accrue "notionally from 01.01.2006 and financial benefits shall accrue from 01.01.2009 or the date of superannuation which is later." In aforesaid case, the State Tripura had taken a conscious decision to give notional benefits from retrospective date and actual financial benefits from the issuance of said Rules, then, said judgment is distinguishable and not applicable on facts. Considering the aforesaid judgments, the same are not applicable and are distinguishable.

PLEA REGARDING JUDICIAL REVIEW IN ECONOMIC POLICY MISCONCEIVED:

25. ***Last contention*** of Learned Advocate General is that in cases of economic legislation or formulation of economic policy, judicial Review is not permissible, as the policy decision of the Government, cannot be interfered by the Courts, by placing reliance on the judgments of the Hon'ble Supreme Court in the

case of ***R.K. Garg vs Union of India and others, (1981) 4 SCC 675; Narmad Bachao Andolan vs Union of India and others, (2000) 10 SCC 664;*** and ***Vivek Narayan Sharma and others vs Union of India and others, (2023) 3 SCC 1.***

25(i). Reliance placed by Learned Advocate General does not impress this Court as the ratio of the aforesaid judgments is not in dispute but the same are not applicable in the fact situation of the instant batch of cases.

25(ii). Reliance on the judgment in the case of ***R.K. Garg [supra]*** was with respect to the economic legislation with the findings that mere possibility of abuse or inequity or immorality will not constitute a ground for unconstitutionality. The said judgment is distinguishable on facts, *for the reason,* that right of the petitioners for Revised Arrears of pay and Revised Retiral Benefits flow from Statutory Rules. The legal entitlements for these benefits are not in dispute. It is the payability and mode of release of benefits by invocation of Rule 13 and Para 8.2 and Para 10 which is capricious, arbitrary, oppressive and defeats

constitutional right of Article 300-A of the Constitution of India and teats “equals to unequals”, leads to grave violation of Article 14 of the Constitution of India and therefore, in the fact-situation of instant case, reliance on the judgment in the case of ***R.K. Garg [supra]*** is distinguishable.

25(iii). Reliance placed in the case ***Narmad Bachao Andolan [supra]*** cannot come to the aid of the State Authorities, as the issue was with respect to the policy decision for construction of a dam for ecological protection. Even, principle of law mandated in the said judgment stands against the State, *for the reason,* that broader principle outlined in said judgment is that once fundamental and constitutional rights are infringed or action is arbitrary or malafide, judicial review is permissible.

25(iv). Reliance on the judgment in the case of ***Vivek Narayan Sharma*** [supra] was in a different context, whereby, the decision of Reserve Bank of India, on demonetization being a policy decision was upheld, being a policy decision. In facts of instant case, once the financial capability and its payability,

was to be examined, considered, decided and approved at the time of issuing the Revised Pay Rules dated 03.01.2022 and while notifying the Office Memorandum dated 25.02.2022 *[Annexure P-4]* and while giving retrospective applicability to these Rules and/or the Office Memoranda from 01.01.2016. After having notified the Rules/Office Memoranda, entitling the Government Servants/ Retirees for benefits from 01.01.2016, the State Authorities cannot take U-turn, to the extent of payability-release of arrears, which cannot come to the aid of the State Authorities in the facts of instant case. Consequently, the reliance on the judgment in case of ***Vivek Narayan Sharma [supra]*** cannot be accepted and is turned down.

25(v). Learned Advocate General has placed reliance on the judgment in case of ***State of Punjab and others vs Ramlubhaya Bagga and others, (1998) 4 SCC 117,*** to assert that the Government had right to change policy and no person has absolute right under the old policy. Above contention is misplaced, *for the reason,* that policy, in question, in the case of ***Ramlubhaya Bagga [supra]*** was with respect to

the medical reimbursement and the policy in question in said case was a mere administrative decision, which was not based on any Statutory Rule, as in instant case.

25(vi). Learned Advocate General tried to impress this Court by placing reliance on the CCS (Pension) Rules 2021, but on query by this Court, nothing could be brought to our notice that the State Authorities have adopted these Rules for the State Govt Rules. Even CCS (Revised Pay) Rules dated 03.01.2022 and the OM dated 25.02.2022 confer benefits by applying the CCS (Pension) Rules, 1972.

CONCLUSION:

26. Facts of instant case, establish that once a valuable right for arrears of revised salary, and arrears of revised retiral benefits i.e. Revised Pension, Revised Gratuity, Revised Commuted Value of pension, Revised Leave Encashment had accrued/crystallized, in accordance with Statutory Rules i.e. CCS [Pension] Rules 1972; and the CCS [Leave] Rules; and CCS [Computation of Pension] Rules, as applicable in the instant batch of cases, but despite accrual of rights under the Statutory Rules, State Authorities have

made an attempt to incorporate Rule 13 and Para 8.2 and Para 10 of the OM, as referred to above, usurping the unfettered, unbridled, uncanalised and unrestricted in the State Authorities to exercise its discretion at its whims, fancies, mercy, so as to negate, curtail, deny, or withhold and thereafter and/or to release Arrears of Revised Pay and/or Arrears of Revised Retiral Benefits, in a staggered or piece-meal manner, in instalments and that too when release spills over to more than 4½ years now and the revised balance arrears of pay and Balance Revised Retiral Benefits are yet to be released to the petitioners and other retirees. Carving out artificial discrimination without any valid inclusion and rationale by releasing the benefits to some of the retirees who retired after 01.01.2016 [may be who have attained 70 years of age and above or to Group D/Class-IV] amounts to carving inter-se discrimination cannot sustain. Treating members of homogeneous Class being retirees differently speaks of volumes and arbitrariness, unfairness and legal malafides. Moreover, constitutional right of Article 300-A of Constitution of India have been patently

violative due to the inclusion of oppressive Clauses in Revised Pay Rules and Office Memoranda giving the Revised Retiral Benefits, are contrary to the Statutory Rules, coupled with the fact that inter-se discrimination in release of benefits and the plea of stoppage of Revenue Deficit Grant, being an afterthought, negates the plea of the State. Once the fundamental and constitutional violations, including malafide and arbitrariness in State action is writ large, therefore, plea of the State Authorities and the contention of Learned Advocate General cannot pass the test of judicial scrutiny. Resultantly, the action of the State Authorities -Respondnets in withholding, or deferring, staggering or indefinitely delaying the release of the legal entitlements and monetary dues which have crystallized and accrued and vested in Government Servants/Retirees from 01.01.2016 onwards by virtue of Statutory Rules, cannot be negated by invoking offensive, capricious Rules/Office Memoranda conferring unfettered, unbridled, uncanalised and unrestricted discretion to release the benefits at the mercy of the State Authorities.

In these circumstances, contentions raised by Learned Counsel for respective petitioner(s) are accepted whereas the contentions of Learned Advocate General, which have been adopted by other Learned respondent Counsel {except in LPA} do not have any force and the same are accordingly turned down. Resultantly, offending part of the Rule and Paras of OM are quashed and set-aside in view of the directions contained hereinbelow.

27. No other points was argued/raised.

DIRECTIONS:

28. In view of the above discussion and for reasons recorded hereinabove, instant petition [Lead Case] and all connected petitions ***are allowed,*** *in following terms:-*

(i). Instant petition, ***Madhu Deshta versus State of Himachal Pradesh and others [CWP No: 8504 of 2025],*** is allowed;

(ii). Rule 13 of the Himachal Pradesh Civil Services [Revised Pay] Rules notified on 03.01.2022 *[Annexure P-3], and the expressions* in "such manner" and "at such time" as may be "approved by the Government"; which makes other provisions of the Rules unworkable and otiose and which deprives the

petitioner of the right to receive the entire earned/accrued arrears of revised pay, due to the unfettered, unbridled, uncanalised, unguided discretion or dictates and fancies of the State Authorities, violates Constitutional right to property under Article 300-A and being oppressive and unreasonable and arbitrary, *is read down and is declared inoperative*,;

(iii). Para 10 of the Office Memorandum notified on 25.02.2022 *[Annexure P-4]* and the expressions in "such manner as may be "decided by the Government in future" and makes actual release of arrears of Revised Pension/ Family Pension and Revised Gratuity/DCRG from the due date of retirement {01.02.2021 in Lead Case} and the aforesaid provision depriving petitioner and other retirees of earned/accrued right-legal entitlement to receive entire arrears of revised retiral benefits due to unfettered, unbridled, uncanalised, unguided discretion of State Authorities, being violative of constitutional right to property under Article 300-A, and being offensive, and unreasonable and arbitrary, and the OM being contrary to the Statutory Rules i.e. the CCS [Pension] Rules 1972; *is quashed and set-aside*;

(iv). Para 8.2 of the Office Memorandum notified on 25.02.2022 *[Annexure P-4]*

and expression "in a phased manner as to be notified by Finance Department," restricting the right of the retirees to receive the entire arrears of Revised Commuted Pension "which is payable in lump sum" in CWP 11716 of 2024, titled as Dr Jagdev & Ors vs State, being contrary to Rule 5 and 10 of the CCS (Computation of Pension) Rules 1981, *is quashed and set-aside*;

(v). Action of State Authorities in withholding or delaying the release of entire arrears of Revised Leave Encashment; despite its payability in lump-sum under the Statutory Rule i.e. CCS (Leave) Rules ; *is quashed and set-aside*;

(vi). State Authorities shall ***release entire arrears of revised pay*** to petitioner in Lead Case in two equal instalments; by releasing first lump-sum instalment on or before ***15th December, 2026*** and the second lump-sum instalment on or before ***28th February, 2027 ;***

(vii). State Authorities shall release ***entire arrears of Revised Retiral Benefits*** i.e. the Revised Pension/Family Pension and Revised Gratuity/DCRG and Revised Leave Encashment and the Revised Commuted Pension and Revised Leave Encashment to the petitioner in Lead Case in two equal instalments; as in Direction no (vi) (supra);

(viii). Sequel to directions (vi) and (vii) above,

State Authorities shall give interest at the rate of 6% per annum w.e.f. 01.06.2022 [i.e. date of payability] till release of benefits during the pendency of instant petition; and also on the unpaid amount, which is liable to be released in terms of this judgement before 15.12.2026 and 28.02.2027 as directed hereinabove;

(ix). Directions passed in Lead Case ***[CWP No. 8504 of 2025, titled as Madhu Deshta vs State of Himachal Pradesh and others]*** shall also mutatis mutandis apply in all connected writ petitions/ cases, with further directions to the State Authorities / Boards / Corporations to extend all admissible benefits as in Paras 28 (vi) to (viii) of this judgement; within the same time-frame mandated therein;

(x). In the light of the findings recorded in CWP No: 8504 of 2025 [in Lead Case]; **LPA No: 557 of 2025, titled as State of Himachal Pradesh and others vs Mini Sharma,** and ***CMP (M) No. 147 of 2025, State of Himachal Pradesh and others vs Balbir and anr,*** and ***CMP (M) No. 2123 of 2024, State of Himachal Pradesh and others vs Ravinder Chand & anr,*** *shall accordingly stand dismissed;*

(xi). Needless to say, that those employees-retirees, who had not filed any writ petition, on the date of this judgement,

[30.10.2026] such incumbents shall be entitled to claim substantive benefits only;

(xii). Sequel to the direction no (xi) above, retirees, being fence-sitters, who have not taken legal recourse as on day, such incumbents shall be entitled to substantive benefits only; but without any interest, as has been awarded to petitioners in instant batch of cases;

(xiii). Executions Petitions, 53 of 2024 in CWP No. 7731 of 2023, Ex. Petition 70 of 2024 in CWP No. 7825 of 2023, Ex. Petition 71 of 2024 in CWP No.7927 of 2023 Ex. Petition 595 of 2024 in CWP No. 3336 of 2024, Ex. Petition 594 of 2024 in CWP No.3424 of 2024 & Ex. Petition 292 of 2024 in CWP No.2473 of 2023 listed with the present batch of cases, are de-tagged, with directions to Learned Registrar (Judicial), to list the same hereinafter, as per norms;

(xiv). Following cases i.e. CWP No. 7152 of 2023 alongwith CWP No. 7153 of 2023, 7158 of 2023, 7159 of 2023, 7160 of 2023, 7223 of 2023, 7244 of 2023, 7245 of 2023, 7246 of 2023, 7247 of 2023, 7248 of 2023, 7249 of 2023, 7251 of 2023, 7252 of 2023, 7253 of 2023, 7254 of 2023, 7255 of 2023, 8193 of 2023, 2820 of 2024 and CWP No. 9268 of 2024, were already disposed of, but were erroneously

shown as connected with present batch of cases and therefore, the same are de-tagged and may be treated as already disposed of ;

(xv). Parties to bear respective costs;

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

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

October 31, 2026
[Bhardwaj]