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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

LPA No. 474 of 2026
Date of decision: 18.11.2026

State of H.P. & Ors. ...Appellants

Versus

Ruchi Ramesh & Anr. ...Respondents

Co*ram*
The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Bipin C. Negi, Judge.

Whether approved for reporting?

For the Appellants: Mr. Pranay Pratap Singh, Additional Advocate General.

For the Respondents: Mr. A. K. Gupta and Ms. Babita Chauhan, Advocates, for respondent No. 1.

G. S. Sandhawalia, Chief Justice (Oral)

State seeks consideration of the order passed by the learned Single Judge in ***CWP No. 8052 of 2026***, titled as ***Ruchi Ramesh vs. State of H.P. & Ors.***, dated 25.03.2026, whereby the State was directed to remove pay anomaly in the pay of the petitioner as compared to her junior, from the date when the anomaly took place and pay the arrears to the petitioner within three months. Penal interest @ 6% was made liable to be paid in case the arrears were not paid within the prescribed period.

2. Learned counsel for the State has vehemently placed reliance upon the Notification dated 03.01.2022 – the Himachal Pradesh Civil Services (Revised Pay) Rules, 2022 by

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following Rule 9 to submit that stepping up of the anomaly in pay had arisen due to revision of pay scale and as per Rule 9(2)(iv), the cases where stepping up of pay would not be admissible.

3. We are of the considered opinion that the said Rule is not applicable as it is concerning the situation where in the lower post, the junior employee was drawing more pay in the existing scale/pay structure than his senior by virtue of any advance increment(s) granted to him or due to any inflation in pay other than by way of normal pay fixation. It is, thus, an exception as such whereby the junior employee had been drawing more pay to his senior due to any advance increment(s) granted to him or due to any inflation in pay other than by way of normal pay fixation, which could be due to various reasons peculiar to his case and the senior would not as such get the benefit of the same increment only on account of the fact that the junior was getting the benefit.

4. In the present case, it has been recorded by the learned Single Judge and there is no dispute that the writ petitioner as such had been appointed as a Lecturer (Sociology) in the year 1995 and was serving as a Principal in Government Degree College, Darlaghat. Private respondent-Gopal Krishan as such was junior to her being at Sr. No. 72

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whereas she was at Sr. No. 64 of the Tentative Seniority List of the Associate Professors, circulated on 14.12.2002. Apparently, the petitioner was appointed on 15.12.1995, whereas the private respondent-Gopal Krishan was appointed on 24.01.1996.

5. It is the specific case as such that the petitioner was only drawing Rs.1,88,200/- per month, whereas Gopal Krishan was drawing Rs.2,05,600/- per month. The reasoning which had weighed with the State in rejecting the representation for grant of the equivalent pay-scale was put-forth in the order dated 28.02.2024 (Annexure P-6) passed by the authorities, which was that the three advance increments for Ph.D were given to the petitioner on 29.07.2006 in the pay scale of Rs. 15600+7000-39100, whereas Gopal Krishan had got the same benefit of three advance increments for Ph.D on 28.09.2010 and in the intervening period, apparently on account of the revision of the pay scale, his pay scale has gone up to Rs. 37400+9000-67000. The State had rejected the representation on the ground that the same could not be considered as pay anomaly as per the instructions, as has been argued by the learned counsel for the State.

6. Learned Single Judge, in such circumstances, has rightly relied upon the judgment of the Apex Court in ***Er.***

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Gurcharan Singh Grewal & Anr. vs. Punjab State Electricity Board & Ors. (2009) 3 SCC 94, wherein it has been specifically considered that if there is incremental benefit and the pay of the junior is more than of his senior, the anomaly has to be rectified by stepping up the pay of the senior. The relevant para of the judgment, in our considered opinion, would clearly cover the case as such of the petitioner, as in the said case, the relief had been denied by the High Court and the respondent had sought to justify on the similar ground where the benefits of increments were granted, when the pay scales were different on account of the revision as such, the junior had got the higher pay. Relevant paras of the judgment read as under:-

> *15. Mr. Chhabra also attempted to justify the disparity in the pay of Shri Shori and the appellant No.1 by urging that the appellant No. 1 had been granted the promotional scale with effect from 1st January, 1996, where the benefits of increment in the scale were lower. On the other hand, Shri Shori who joined the services of the Board in 1974, was granted the promotional scale on 17th May, 2006, with effect from 1st September, 2001, when the increments and the pay-scales were higher. Mr. Chhabra submitted that it is the disparity in the incremental benefits that led to the anomaly of the appellant No.1 getting a lower salary in the promotional scale.*
>
> *16. .....*

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> *17. Something may be said with regard to Mr. Chhabra's submissions about the difference in increment in the scales which the appellant No.1 and Shri Shori are placed, but the same is still contrary to the settled principle of law that a senior cannot be paid lesser salary than his junior. In such circumstances, even if, there was a difference in the incremental benefits in the scale given to the appellant No.1 and the scale given to Shri Shori, such anomaly should not have been allowed to continue and ought to have been rectified so that the pay of the appellant No.1 was also stepped up to that of Shri Shori, as appears to have been done in the case of the appellant No.2.*

7. We have also gone through the Chart (Annexure R-7), showing the pay comparison of both the respondents. Apparently, on 01.01.2006, both the respondents were drawing salary of Rs.28020/-. Thereafter on 29.07.2006, on account of three advance increments, the salary of the writ petitioner had gone up to Rs.30,540/- per month in comparison to Rs. 28,020/- drawn by Gopal Krishan. Thereafter, the writ petitioner continued to draw higher pay till 01.12.2009 at Rs. 35,490/- per month in comparison to Rs.34,860/- per month on account of the award of the Pay Band-IV. Both were drawing the same pay of Rs. 46,400/- per month in the month of December, 2009 and suddenly, on 28.09.2010, on account of three advance increments given to Gopal Krishan, his pay jumped to Rs.50,576/- per month and

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the pay of the writ petitioner was only Rs. 46,400/- per month. Thereafter, discrepancy as such continued, which led to the filing of the representation. In such circumstances, it is apparent that the State as such did not grant the benefits of advance increment on revision of the pay scale from 01.01.2006 with retrospective effect.

8. Keeping in view the above, the order passed by the learned Single Judge does not suffer from any infirmities, which warrants interference.

9. However, keeping in view the fact that the State was pursuing its remedy as such efficaciously and there was only a delay of 48 days in filing the appeal, we are of the considered opinion that if the State makes the payment within three months from today, the penal interest clause would not come into play. Any payment made after the period of three months, would however attract penal interest.

10. Accordingly, the present appeal is dismissed, so also pending applications, if any.

(G. S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

18th November, 2026
(sanjeev)