IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.14490 of 2026
Decided on : 19.11.2026

Union of India and others ...Petitioners

Versus

Ramesh Chand …Respondent

Coram
Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the petitioners : Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate.

G.S. Sandhawalia, Chief Justice *(Oral)*

The challenge in the present writ petition is to the order passed by the Central Administrative Tribunal, Chandigarh Bench dated 25.09.2025, while holding Circuit Bench at Shimla, in OA No. 063/985 of 2023.

2. In sum and substance, the relief which has been granted is the setting aside of the orders dated 13.12.2021 (Annexure A-3) and 13.06.2022 (Annexure A-1). Resultantly, directions were issued to compute the service of the applicant by counting the Temporary Status Service with effect from 29.11.1989 for the purpose of granting financial upgradation under the ACP/MACP Scheme and to grant upgradation based on statutory computation. The Union of India was further directed to refix the pay of the applicant and revise the pensionary and other consequential benefits and release arrears, which were ordered to be paid within a period of three months, since the employee had

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

superannuated on 30.04.2023 as a Cash Mail Overseer under the Senior Superintendent of Post Offices, Hamirpur Division, Hamirpur.

3. The primary basis, as such, of the Tribunal allowing the Original Application was on account of placing reliance upon the judgment of the Apex Court in ***Haridas Kumar vs. Union of India, in SLP (C) Nos. 9375-9376 of 2017,*** along with other bunch of matters, decided on 13.08.2024. The defence, as such, of the Union of India was that the intervening period was not liable to be counted on account of OM No. 35034/3/2008-Estt.(D), dated 19.05.2009 (page 61 of the paper book), issued by the Government, Department of Personnel and Training, regarding the Central Government Civilian Employees. As per the recommendations of the Sixth Central Pay Commission had excluded, in paragraph 3, the benefit as such of casual employees, including those who were granted temporary status, and the employees appointed only on ad-hoc or contract basis, were not to have such period counted to qualify for the benefit under the aforesaid Scheme.

4. Counsel for the Union of India, as such, has vehemently argued that once there was a bar in the Scheme itself, the Tribunal was not justified in granting the said relief, which had been rightly denied by the respondents by passing the orders dated 13.12.2021 and 13.06.2022.

5. Counsel for the Union of India has tried to distinguish the judgment passed by the Apex Court on the ground that reliance has been placed upon other earlier decisions which had specified that the judgment shall not operate as a precedent, while referring to the

judgment and the order passed in ***Civil Appeal No. 5121 of 2005, Union of India & Ors. vs. B. Sasi Kumar & Ors., on 31.03.2010***. Similarly, it is pointed out that SLP No. 10226 of 2015, relied upon, had been dismissed on the ground of delay, as such, and therefore, the said observations would not be applicable. We are not in a position to, as such, accept the argument being raised by the counsel for the petitioners.

6. The question which had been framed in *Haridas Kumar's case* before the Apex Court was as under:-

> "*The short question arising for consideration in the present bunch of petitions is "whether the period of service rendered by an employee on 'casual or temporary basis' prior to his/her regularization should be counted for the purpose of grant of Assured Career Progression (in short 'ACP), Modified Assured Career Progression (in short 'MACP') benefits, and assessing pensionary benefits alongwith other consequential benefits*."

7. While referring to various orders passed by various Benches of the Central Administrative Tribunals all over the country, the conclusion which had then been arrived at by the Apex Court was to the extent that the said period prior to formal regularization is to be counted for the purpose of ACP and pensionary benefits. The question was thus answered in the following terms: -

> "*In view of the foregoing, it is clear that on the basis of decisions of different of CAT pan India, the relief sought for was granted and maintained upto this Court. The service rendered by such employees prior to their formal regularization was counted for grant of ACP and the pensionary benefits. Such being the situation, looking at the facts of the present case, the respondents at hand are not distinguishable from the aforementioned employees.*
>
> *Thus, in view of the above, no different opinion can be rendered at this stage, so far as it relates to the respondents in the present cases. Accordingly, these*

> *Special Leave Petitions stand dismissed. Pending application(s) if any, shall stand disposed of*."
>
> *Thus, in view of the above, no different opinion can be rendered at this stage, so far as it relates to the respondents in the present cases. Accordingly, these Special Leave Petitions stand dismissed. Pending application(s), if any, shall stand disposed of.*"

8. Apparently, in such circumstances, the Tribunal has granted the benefit to the employee, who stood regularized vide an order dated 23.04.2014 and, apparently, prior to that, he was a temporary status casual labourer with effect from 29.01.1989 and, after three years, had been treated as a temporary Group 'D' employee with effect from 29.11.1992. In that background, upon regularization on 24.04.2014, he thereafter got promoted as a Postman on 27.09.2021.

9. In such circumstances, once the Apex Court has answered the question, as such, in no uncertain terms regarding the MACP, we do not find any merit in interfering with the well-reasoned order passed by the Tribunal. Accordingly, the present writ petition is dismissed, along with the pending applications, if any.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

19th November, 2026
(Tarun Singh)