**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CWP No.19481 of 2026**
**Decided on: 30.10.2026**

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Nar Dei **.....Petitioner**

**Versus**

State of HP and Ors **.....Respondents**

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**Coram**

**Ms. Justice Jyotsna Rewal Dua**

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

For the Petitioner: Mr. Munish Datwalia, Advocate.

For the Respondents: Ms. Menka Raj Chauhan, Deputy Advocate General.

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**Jyotsna Rewal Dua, Judge**

Notice. Ms Menka Raj Chauhan, learned Deputy Advocate General, appears and waives service of notice on behalf of the respondents.

**2.** Considering the grievance of the petitioner, the office communication impugned herein and the order being passed herein after, there is no necessity to call for reply from the respondents. Matter has accordingly been heard at this stage.

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

**3.** Petitioner is serving as Class-IV employee at GSSS Kallar, District Bilaspur, H.P. She feels aggrieved against an office letter dated 19.10.2026 (Annexure P-4). Said office letter has been issued to the petitioner by respondent No. 4, Principal of the concerned school, regarding recovery of excess payment allegedly made to the petitioner due to incorrect fixation of her pay under the Himachal Pradesh Civil Services (Revised Pay) Rules, 2022. The contents of the office letter dated 19.10.2026 are to the effect that petitioner had opted for coming over to the revised pay scale under the HP C S (Revised Pay) Rules, 2022 under Rule 7(b)(ii). However, inadvertently, petitioner's pay was fixed under Rule 7(1)(a), applying the multiplication factor of 2.59 to the pay components of Rs. 5720 + Rs.1650. Petitioner's pay was required to be fixed under Rule 7(b)(ii) by ignoring the revised grade pay and taking the pay components as Rs.5490 + Rs.1300. Due to aforesaid inadvertence, the respondents had incorrectly fixed petitioner's pay, resulting in excess payment of salary and consequential benefits to her. For that reason, the respondents have directed the petitioner to refund the amount of Rs.1,07,202/- paid to her in excess.

Learned counsel for the petitioner submitted that impugned office letter dated 19.10.2026, though couched in form of notice, is actually an order directing the the petitioner to refund the amount alleged to have been wrongly released to the petitioner on account of wrong fixation of her pay, and petitioner had not been issued notice whatsoever for having her version before the respondents; That petitioner is a rustic Class-IV employee who is not even aware of the option exercised by her.

**4.** The documents placed on record, more particularly the impugned office letter dated 19.10.2026, (Annexure P-4) give a clear impression that the respondents have straightaway ordered for recovery by directing the petitioner-a Class –IV employee to refund the amount allegedly paid to her in excess on account of incorrect pay fixation. Principles of natural justice have been breached. For that reason alone, decision contained in the impugned office letter dated 19.10.2026 is quashed and set aside. This writ petition is disposed of with the direction that office letter dated 19.10.2026 (Annexure P-4) shall be construed to be only a notice issued to the petitioner by the respondents. Petitioner shall be at liberty to file her

reply to the aforesaid notice within two weeks from today. Thereafter, the same shall be taken to its logical conclusion in accordance with law within a further period of four weeks. In the process of adjudicating the matter, an opportunity of hearing shall also be provided to the petitioner by the competent authority. Needless to clarify that in case petitioner does not respond to Annexure P-4, the respondents shall proceed further in the matter in accordance with law.

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

Jyotsna Rewal Dua
Judge

October 30, 2026
*R.Atal*