IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 7731 of 2023
Decided on: October 13, 2023

Hari Singh Thakur …….. Petitioner

Versus

State of Himachal Pradesh and others …. Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]

For the Petitioner	**:**	Mr. Ashish Verma, Advocate.
For the respondents	**:**	Mr. Anoop Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General with Mr. Ravi Chauhan, Deputy Advocate General.

Sandeep Sharma, Judge (oral):

The petitioner has retired from the post of Superintendent Grade II, on attaining the age of superannuation. He has approached this Court, by way of present petition filed under Art. 226 of the Constitution of India, praying therein for the following main relief(s):

> "(I) That the respondents may kindly be directed to pay the entire arrears of revision of pay scale w.e.f. 01.01.2016 to 30.06.2018 alongwith interest @ 9% per annum from the due date till the date of its realization.
>
> (II) That the directions may kindly be issued to the respondents to pay the entire arrears of revised pension w.e.f. 30.06.2018 to up till date of its realization to the petitioner alongwith interest @ 9% per annum.
>
> (III) That the respondents may also be directed to pay revised gratuity (DCRG), leave encashment and revised commutation value of the pension to the petitioner alongwith interest @ 9% per annum w.e.f. 30.06.2018 to till the date of realization."

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

2. Subsequent to his retirement/superannuation office order was issued revising the petitioner's pay scale with effect from 01.01.2016, in pursuance to Himachal Pradesh Civil Service (Revised Pay) Rules, 2022, notified by the Department of Finance (Pay Revision), Government of Himachal Pradesh, vide notification dated 03.01.2022, circulated vide the Head Office Memorandum dated 21.06.2022. Consequently, the petitioner became entitled to get arrears of revised pay with effect from 01.01.2016 to 30.6.2018, but the same, according to the petitioner, has not been paid to him till date. This fact has not been disputed by Counsel for the respondents.

3. That apart, pension, gratuity, leave encashment and commutation of pension benefits payable to the petitioner are also required to be revised as per office memorandum dated 25.02.2022 issued by the Finance Department for revising the pension, gratuity, leave encashment and commutation of pension of the retired employees after 01.01.2016. The petitioner alleges that this has also not been done.

4. However, learned Counsel for the petitioner has also placed reliance on order dated 31.5.2023, **Bhagat Ram** v. **Himachal Road Transport Corporation,** passed by the Hon'ble Division Bench of this Court in CWP No. 2108 of 2023. In the said judgment, Hon'ble Division Bench has observed as under:-

> "Having regard to the reasons assigned in the said order and since the case of the petitioner in the instant case is also on the similar footing, the instant writ petition is also allowed by directing the respondents to pay arrears of pay as per the revision of the pay scales

w.e.f. 01.01.2016 to 30.11.2020 with interest @ 6% per annum from the due date till the date of its realization as per Annexure P-2. A further direction is also issued to the respondents to revise the pension, gratuity (DCRG) and leave encashment, as per Annexure P-2 and to pay the same alongwith interest @ 6% per annum to the petitioner w.e.f. the due date i.e. 01.12.2020, till the date of its realization.

Pending miscellaneous application(s), if any, also stand disposed of accordingly."

5. Both learned counsel have agreed that this Court had granted relief to similarly placed petitioners in CWP No.2108 of 2023 on 31.05.2023 and in CWP No.2421 of 2023 on 15.06.2023. Therefore, this writ petition is allowed for reasons alike and the respondents are directed to pay arrears of pay as per the revision of pay scales w.e.f. 01.01.2016 to 31.05.2020 with interest @ 6% per annum from the due date till the date of its realization and they shall also revise the pension, gratuity, leave encashment and commutation of pension and pay the same alongwith interest @ 6% per annum to the petitioner w.e.f. 01.01.2016 till the date of its realization, within a period of six weeks from today.

All pending application(s), if any, also stands disposed of

(Sandeep Sharma)
Judge

October 13, 2023
Vikrant