(2023:HHC:6263-DB)

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 2108 of 2023
Judgment Reserved on 1.7.2026
Decided on: 06.11.2026
Uploaded on: 06.11.2026

Bhagat Ram **…Petitioner.**

Versus

Himachal Road Transport Corporation &others
…Respondents.

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Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?[1]

For the Petitioner: ***Mr. Manohar Lal Sharma, Advocate***

For the Respondent: ***Ms. Shubh Mahajan, Sr. Advocate with Mr.Naresh Mahajan, Advocate for respondents No. 1 to 3.***

Mr.Anup Rattan, Advocate General with Ms.Sharmila Patial, Additional Advocate General for respondent No.4.

Vivek Singh Thakur, Judge

This petition has been filed by the petitioner seeking following reliefs:-

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

"(i) That the respondents may kindly be directed to pay the arrears of revision of pay scale w.e.f. 01.01.2016 to 30.11.2020 with interest @ 9% per annum from the due date till the date of its realization as per Annexure P-3.

(ii) That the directions may kindly be issued to the respondent Corporation to revise the pension, gratuity (DCRG), and leave encashment as per Annexure P-3 and to pay the same along with interest @ 9% per annum to the Petitioner w.e.f. due date i.e. 01.12.2020 till the date of its realization, keeping in view the judgment passed by the Hon'ble High Court in C.W.P. 3050/2014 titled as Nek Ram Versus State of H.P. and other, Annexure P-4.

(ii)(a). That clause 13 of notification date 03.01.2022 in Annexure P-5 and clause 10 of office memorandum dated 25.02.2022 in Annexure P-6 may kindly be held illegal and the same may kindly be quashed and set aside.

(ii)(b).That the decision of Board of Directors vide item No.151.02 dated 22.03.2022, contained in Annexure P-7, may kindly be held illegal that the revised pay scale be released from June 2022 paid in July 2022 and revised pension/family pension will be released from July 2022 paid in August 2022 and the same may kindly be quashed and set aside to such extent by holding the actual entitlement of the petitioner for revised pay scale w.e.f 01.01.2016 and revised retiral benefits w.e.f 01.12.2020."

2 Undisputedly, the issue involved in present matter is similar to the issue involved in ***CWP No. 8504 of 2025,*** titled ***Madhu Deshta vs. State of HP & others along with connected matters.***

3 Therefore, reasons assigned and judgment passed in ***Madhu Deshta' case*** shall be mutatis mutandis applicable to the present case also for all intents and purposes.

4 Accordingly, this petition is disposed of with following directions inter-alia among others contained in ***Madhu Deshta's case*** :-

(i). Instant petition in allowed in terms of decision dated 31.10.2026 rendered in Madhu Deshta versus State of Himachal Pradesh and others [CWP No: 8504 of 2025];

(ii). Rule 13 of the Himachal Pradesh Civil Services [Revised Pay] Rules notified on 03.01.2022, 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 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 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 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 CWP No.8504 of 2025, titled as *Madhu Deshta vs State of Himachal Pradesh and others*, shall also mutatis mutandis apply in instant writ petition/case, with further directions to the State Authorities / Boards / Corporations to extend all admissible benefits as in Paras 28 (vi) to (viii) of judgement passed in CWP No.8504 of 2025; within the same time-frame mandated therein;

(x) Decision of the Corporation contrary to the mandate laid down in judgment of ***Madhu Deshta's case*** shall not be enforceable, rather disbursement/release of revised pay scale and revised family pension shall be governed by the verdict of ***Madhu Deshta.***

5. Pending miscellaneous application(s) also stand disposed of accordingly.

(Vivek Singh Thakur),
Judge.

(Ranjan Sharma),
Judge.

6th November,2026
(ms)