

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.749 of 2026****Date of Decision: 08.01.2026**

Shri Ritesh Kumar & Ors.		Petitioners
	Versus	
State of Himachal Pradesh & Anr.		Respondents

Coram**Hon'ble Mr. Justice Sandeep Sharma, Judge.****Whether approved for reporting?****For the Petitioners:** Mr. Pranav Kaushal & Mr. Sameer Miyan,
Advocates.**For the respondents:** Mr. Rajan Kahol, Additional Advocate
General with Mr. Ravi Chauhan & Mr. Anish
Banshtu, Deputy Advocates General.

Sandeep Sharma, J. *(Oral)*

Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. Taking into consideration the order impugned herein, decision rendered in CWP No.4830 of 2023, titled as ***Inder Singh Thakur & Ors Vs. State of H.P. & Ors.*** along with connected matters, decided on 07.04.2025, submissions made by learned counsel for the parties and the order being passed hereinafter, reply to this writ petition is not required to be called from the respondents. With consent of learned counsel for the parties, matter is heard at this stage.



3. Petitioners had instituted CWP No.6058 of 2023, titled as **Ritesh Kumar & others Vs. State of Himachal Pradesh and others**, seeking applicability of CWP No.1638 of 2024, titled as **Mohit Sharma and another Vs. State of Himachal Pradesh and others**.

The writ petition was disposed of on 28.04.2025 with directions to the respondents to consider the representations of the petitioners in light of **Mohit Sharma** (supra) by passing appropriate orders in accordance with law within a time frame.

4. Pursuant to the directions issued in **Ritesh Kumar** (supra), respondents passed consideration order on 18.12.2025 (Annexure P-8), rejecting the representations of the petitioners. According to the respondents, petitioners had completed two years of regular service on 02.06.2019 and 03.06.2019, respectively. They were granted revised Pay Band + Grade Pay in compliance to the H.P. Civil Services (Category/Postwise Revised Pay) Rules, 2012, therefore, petitioners were not held entitled to the benefits flowing from Revised Pay Scale, 2022 notified on 06.09.2022.

5. The aforesaid reasoning has already been turned down in **Inder Singh Thakur (supra)**. Paras from **Inder Singh Thakur** (supra), relevant in the context of reasoning given by the respondents for rejecting the cases of the petitioners, are as under:-

4(iv). The notification dated 03.01.2022 promulgating the Revised Pay Rules, 2022 w.e.f. 01.01.2016, does not stipulate that



those who were appointed on regular basis prior to 03.01.2022, are to be excluded from the purview of the said notification. In fact, Rule 7 of the Revised Pay Rules, 2022, notified on 03.01.2022 provides the mechanism for fixation of pay in the revised pay structure. Rule 7(I) provides for fixation of pay of Government employees recruited/appointed before 01.01.2016, whereas Rule 7(II) of the notification dated 03.01.2022 provides for fixation of pay of regular Government employees recruited/appointed on or after 01.01.2016 till the date of issuance of the notification. Rule 7 of notification dated 03.01.2022 promulgating Revised Pay Rules, 2022, being relevant is extracted hereinafter....XXXXXXXXXXXXXX

Services of petitioners having been regularized during the year 2019 & 2020 fall within the ambit of Revised Pay Rules, 2022.

In view of clear provisions of Revised Pay Rules, 2022, notified on 03.01.2022, as amended on 06.09.2022, the stand of the respondents that notification dated 03.01.2022 and more specifically its amendment under notification dated 06.09.2022 will not be applicable to those employees who were in regular service prior to 03.01.2022, cannot be countenanced. Mechanism for fixing the revised pay of the regular Government employees recruited/appointed before 01.01.2016 has been provided under Rule 7(1), whereas fixation of pay of regular Government employees recruited/appointed on or after 01.01.2016 is to be carried out as per Rule 7(II) of the Revised Pay Rules, 2022 notified on 03.01.2022 as amended on 06.09.2022. It cannot be construed from the notifications that Revised Pay Rules, 2022 (as amended) will not be applicable to those who were appointed and whose services were regularized prior to the date of issuance of notification dated 03.01.2022 as amended on 06.09.2022.

4(v). The other contention of learned Deputy Advocate General that since the petitioners' pay had undergone revision in the year 2012 under a notification issued on 27.09.2012, they are not entitled for the benefit of higher pay under the notifications dated 03.01.2022 and 06.09.2022, also lacks merit.



Under the notification dated 03.01.2022 while determining the revised pay of the regular Government employees recruited/appointed before 01.01.2016, due regard has been given to the Re-Revision of pay-scale carried out in the year 2012. Rule 7, more particularly Rules 7(1)(b) and 7(II)(b) of the Revised Pay Rules 2022 notified on 03.01.2022 cater to these situations and offset the impact of Re-Revision while assessing the corresponding revised pay-scales under the Revised Pay Rules, 2022. The Revised Pay Rules, 2022 do not bar the applicability of these Rules in case of those employees, who have been granted benefit of pay revision of the year 2012 under notification dated 27.09.2012. Rather, the Revised Pay Rules, 2022 take into account the impact of the revision of scales in 2012 and then determine the mechanism for coming over to the corresponding revised scale under Revised Pay Rules, 2022. Petitioners, therefore, cannot be deprived from the applicability of Revised Pay Rules, 2022, only on count of their pay having undergone revision in terms of 2012 revision of pay-scales.

4(vi). Respondents' contention that notification dated 06.09.2022 amending the Revised Pay Rules, 2022, is not applicable to the petitioners, is without substance. The notification dated 06.09.2022 granting higher stages of pay to certain categories of posts is an amendment carried out by the respondents to the Revised Pay Rules, 2022 notified on 03.01.2022. Rule 2 of the amendment notification dated 06.09.2022 inserted following Rule 7(A) in the Revised Pay Rules, 2022:-

“2.	Insertion of Rules 7(A).-	In the Himachal Pradesh Civil Services (Revised Pay) Rules, 2022, after Rule 7, the following shall be inserted, namely:- 7(A). Fixation of pay of certain categories.- (1) This rule shall apply to the employees, who are appointed before 3rd January, 2022. (2) The pay of employee of those categories/posts included in Schedule-II shall be fixed at higher pay stage in the concerned level of pay matrix after completion of two years regular
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		service as given in Schedule-II.”
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7(A). Fixation of pay of certain categories:-

(1) This rule shall apply to the employees, who are appointed before 3rd January, 2022.

(2) The pay of employee of those categories/posts included in Schedule-II shall be fixed at higher pay stage in the concerned level of pay matrix after completion of two years regular service as given in Schedule-II.”

By virtue of following Rule 1(2) of the notification dated 06.09.2022, the above rule is to be deemed to have into force on 03.01.2022:-

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| “1 | Short title and Commencement | (1) | These rules may be called the Himachal Pradesh Civil Services (Revised Pay) First Amendment Rules, 2022 |
| | | (2) | They shall be deemed to have come into force on 3 rd January, 2022.” |

The newly added Rule 7(A) fixed the pay of certain categories of posts at higher stages as per the Schedule appended with the notification. At Serial No.31 of the Schedule is the category of School Lecturers/PGT to which the petitioners belong. As per the Schedule, an incumbent upon appointment as School Lecturers/PGT is to be given Rs.43,000/- and Rs.47,000/- on completion of two years of regular service. Rule 7(A) is applicable to those employees, who were appointed before 03.01.2022. The Schedule reads as under:-

It is not understandable as to how the respondents are denying the applicability of notification dated 06.09.2022 to the petitioners only on



the ground that their services were regularized prior to issuance of notification dated 03.01.2022.

4(vii). Rule 7(A) inserted by amendment in the Revised Pay Rules, 2022, under the amendment notification dated 06.09.2022 has become part & parcel of the Revised Pay Rules, 2022, notified on 03.01.2022. Therefore, when the main Rules do not discriminate employees upon their acquiring regular status and are applicable to all regular employees subject to their respective & individual dates of attaining the eligibility for the benefits flowing from Revised Pay Rules, 2022, then the benefits of Rule 7(A) are also to be similarly accorded to the regular employees. There cannot be situations in given facts where incumbents belonging to one category are to receive different pay scales. The employees, who have become regular after 03.01.2022 are also to get benefits of the Revised Pay Rules, 2022, including Rule 7(A) upon their fulfilling the stipulated conditions. Thus, the petitioners on completing two years of regular service are to be released revised pay scale as per Rule 7(A) of the Revised Pay Rules, 2022.

Even if Rule 7(A) of the Revised Pay Rules, 2022, is to be read independently of the Revised Pay Rules, 2022, which seems to be the misplaced contention of the State, then also the petitioners are entitled to the benefit of Rule 7(A). As in such situation also, it has to be held that Rule 7(A) does not place any embargo upon flow of benefits under it to the regular employees. The words used in Rule 7(A) pertaining to its applicability are "employees who are appointed before 03.01.2022," without making any distinction between date of completion of two years of regular service. Revised Pay Rules, 2022, therefore, become applicable and higher stage of pay provided under Rule 7(A) is to be released upon completing requisite number of years of regular service.

5. In view of above discussion, notification dated 03.01.2022 promulgating the H.P. Civil Services (Revised Pay) Rules, 2022 and notification dated 06.09.2022 amending the Revised Pay Rules, 2022, are held applicable to the petitioners. This writ petition is allowed. Respondents are directed to extend the benefit of notifications dated



03.01.2022 and 06.09.2022 to the petitioners. Their pay be accordingly re-fixed from due dates and consequential benefits be granted in favour of the petitioners in accordance with law and aforesaid notifications. This exercise be carried out within four weeks from today.”

6. Inder Singh Thakur (supra) has already held that notification dated 03.01.2022 promulgating the revised pay Rules, 2022, w.e.f. 01.01.2016, does not stipulate that those who were appointed on regular basis prior to 03.01.2022 are to be excluded from the purview of the said notification. That Rule 7 of the Revised Pay Rules, notified on 03.01.2022, provides the mechanism for fixation of pay in the revised pay structure for fixing pay of the Government employee recruited/appointed before 01.01.2016 as also on or after 01.01.2016 till the issuance of the notification.

7. The respondents' stand that revised pay Rules 2022, (as amended) will not be applicable to those who were appointed and whose services were regularized prior to the date of issuance of notification dated 03.01.2022, as amended on 06.09.2022, was rejected.

8. Prima-facie, it appears that cases of the petitioners are covered by **Inder Singh Thakur** (supra), however, factual aspects are required to be examined by the competent authority. Hence, the present writ petition is allowed. Impugned office order dated 18.12.2025 (Annexure P-8) is quashed and set aside qua the



petitioners. Respondent No.3/Competent Authority is directed to consider and decide the respective cases of the petitioners for grant of benefits under the Revised Pay Scale Rules, 2022, strictly in consonance with ***Inder Singh Thakur*** (supra) and in accordance with law, within a period of four weeks from today. The order so passed, be also communicated to the petitioners.

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

January 08, 2026
(sunil)

(Sandeep Sharma),
Judge