

Dhani Ram v. State of H.P. & Ors.
CWP No.1240 of 2023

23.03.2026 Present: Ms. Lalita Verma, Advocate, for the petitioner.

Mr. Pushpinder Jaswal, Additional Advocate
General, for the respondents.

The petitioner who is a superannuated employee of the respondent-State is aggrieved by the fact that he was denied higher pay scale on the ground that he as an Assistant Engineer did not pass the departmental examination, which was a condition precedent for the grant of the higher pay scale, whereas, according to the petitioner, in terms of notification dated 18.04.2007 (Annexure P-9), the petitioner once having cross the age of 55 years, was not required to pass the departmental examination for the grant of the said higher pay scale.

Having heard learned counsel for the petitioner and having perused the pleadings as well as well documents appended with the petition and the reply, *prima facie*, there appears to be merit in the contention of the petitioner.

In terms of notification dated 18.04.2007, there was an amendment made in the Himachal Pradesh Department Examination Rules 1997 to the effect that a gazetted Officer on attaining the age of 55 years shall not

be required to pass the departmental examination prescribed under the said Rules, as amended from time to time, *inter alia*, for the purpose of higher scale.

Faced with this situation, learned Additional Advocate General submits that he may be granted some time to have instructions in this regard.

List on 20.04.2026.

At this stage, learned counsel for the petitioner submits that other incumbents similarly situated as the petitioner have also been granted higher pay scale, though, they have not passed the departmental examination, in terms of the information which has been received under Right to Information Act, which is also on record.

Learned Additional Advocate General to have instructions in this respect also.

(Ajay Mohan Goel)
Judge

March 23, 2026
(*Vinod*)