



**Ramesh Chand and others Versus State of Himachal Pradesh
and others a/w connected matters**

**CWPOA No.6702 of 2020 a/w CWPOA
Nos.7894, 7897, 7898, 7901, 7929,
7931 and 7933 of 2019, CWP No.1203
of 2020, Execution Petition No.503 of
2023 and CWP No.12116 of 2024**

29.10.2025 Present: None for the petitioners in CWPOA No.6702 of 2020.

Mr. Neel Kamal Sood, Senior Advocate with Mr. Vasu Sood, Advocate, for the petitioners in CWPOA Nos.7894, 7897, 7898 [since deceased], 7901, 7929, 7931 and 7933 of 2019.

Mr. A.K. Sharma, Advocate, for the petitioner(s) in CWP No.1203 of 2020.

Mr. Sandeep K. Pandey, Advocate, for the petitioner in Execution Petition No.503 of 2023.

Mr. Bhim Raj Sharma, Advocate, for the petitioner(s) in CWP No.12116 of 2024.

Mr. Navlesh Verma, Additional Advocate General, for the respondents-State, in the respective petitions.

Mr. Lokendar Paul Thakur, Senior Panel Counsel, for the Respondent-Accountant General, in the respective petitions, except CWP No.1203 of 2020 and CWP No.12116 of 2024.

Mr. Rangil Singh, Advocate, for the Respondent-Accountant General, in CWP No.1203 of 2020 and CWP No.12116 of 2024.

CWPOA No.7898 of 2019

At the request of Mr. Neel Kamal Sood,
Learned Senior Counsel, *CWPOA No.7898 of 2019*,



titled as Mor Dass Versus State of H.P. and others, is de-linked from CWPOA No.6702 of 2020, so as to enable him to take steps for bringing on record the Legal Heirs of deceased employee. Failure to take steps shall lead to abatement of proceedings.

List this matter after three weeks.

CWPOA No.6702 of 2020, CWPOA Nos.7894, 7897, 7901, 7929, 7931 and 7933 of 2019, CWP No.1203 of 2020, Execution Petition No.503 of 2023 and CWP No.12116 of 2024

2. As a sequel to orders dated 10.10.2025 passed by this Court, *Instructions* have not been furnished to this Court.

3. In addition, Learned Counsel for the petitioners in the respective petitions, submit that an identical matter, i.e. *CWP No.1701 of 2024, titled as Kuldeep Singh Versus The State of Himachal Pradesh & Ors.*, relating to the same subject matter and stands decided by a Co-ordinate Bench of this Court on 28.06.2024 accepting the plea of the similar set of employees [i.e. Junior Technicians/ Technicians Gr-II/Gr.I] and the aforesaid judgment stands implemented by Executive Engineer, Mechanical Division, Dharamshala, on 01.10.2025, whereby, the amount which was recovered/



deducted from retiral benefits stands refunded/
credited to the account of aforesaid Kuldeep Singh.

4. It is also brought to the notice of this Court, that in *Execution Petition No.394 of 2025*, titled as *Ashwani Kumar Versus State of H.P. and others*, the judgment passed in *CWP No.1702 of 2024* stands implemented by Executive Engineer concerned on advice received from Law Department/Finance Department, which is clear from communication dated 14.07.2025 issued by Executive Engineer [Mechanical Division], Dharamshala, as under:-

*“.....I have gone through the judgments. All employees are Class-II and such employees has no role to fixation of their pay. **It's a mistake by the department** and no misrepresentation was made by employee. Hence, **not a fit case to file SLP for any other proceedings.**”*

5. Perusal of the communication dated 14.07.2025 indicates that the State Authorities have admitted that it is the mistake of the Department and no misrepresentation was made by the employee concerned. It is further averred that this is not a fit case to file SLP for any other



proceedings. The State Authorities have implemented the judgment and the alleged overpayment of pay and allowances, which were deducted from retiral benefits of petitioners, stand credited/refunded to employee concerned. Based on legal advice once the mandate of this Court stands implemented and deducted amount stands refunded/credited to similar set of employees, then, this Court fails to understand as to why State Authorities are adopting different yardsticks for same set of employees. State Authorities are expected to act like a model employer. State Authorities cannot adopt different yardsticks, so as to advance benefits to some and to deny it to others, including the petitioners, despite being similarly placed.

6. Faced with this situation, Learned State Counsel prays for and is granted a week's time to have *Fresh Instructions* from the Additional Chief Secretary/Principal Secretary [Public Works], within a week positively.



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In case, *the Instructions* are not forthcoming, the concerned Officer shall remain present in the Court on the next date of hearing.

List the matter on **17.11.2025.**

(Ranjan Sharma)
Judge

October 29, 2025
(Bhardwaj)