



Narain Singh versus State of Himachal Pradesh & Others
a/w connected matters

CWPOA No.5839 of 2020 a/w
CWP Nos.648, 977, 987 &
3748 of 2020

28.11.2025. Present: Mr. Virbahadur Verma, Advocate, for the petitioners, in all the petitions.

Mr. Sumit Sharma, Deputy Advocate General, for the respondents-State.

Mr. Yudhvair Singh Thakur, Advocate, for respondent No.3, in all the petitions.

Co-ordinate Bench of this Court decided ***CWPOA No.5839 of 2020*** along with connected matters on 04.06.2025 in *Re: Narain Singh versus State of H.P. & Others*. The operative part of the judgment, reads as under:-

“16. In light of above discussion, petitions are allowed to the extent that respondents No.1 and 2 are directed to consider the case of the petitioners as forwarded by MLSM College and decide the same within eight weeks from the date of passing of this judgment by passing a detailed and reasoned order after taking into consideration the observations made hereinabove. Petitions are accordingly disposed of, so also the pending applications, if any.

17. List for compliance on 5.8.2025.”

2. Pursuant to the judgment dated 04.06.2025, the Director of Higher Education has filed the compliance affidavit dated 30.09.2025 and



for the purpose of implementing the grant of pay scale of Rs.3100-5180/- and the pay fixation to the petitioners, the due and drawn statement was duly forwarded by the Respondent No.3-College to the State Authorities.

3. The stand of Director of Higher Education is that the due and drawn statement which was forwarded to the Directorate by Respondent No.3-College was examined by Joint Controller (Finance & Accounts) in the Directorate, wherein, it was found that the management of Respondent No.3-College has already claimed excess GIA in case of the petitioners, which will be recovered from the management from GIA due in next instalment. The operative part of the compliance affidavit, reads as under:-

- “2. That in compliance to the Hon’ble High Court order it is submitted that the Principal MLSM College Sunder Nagar District Mandi i.e. respondent No.3 was directed to submit the due drawn statement of the petitioner vide this Directorate letter dated 04.08.2025 & subsequent reminder dated 19.08.2025 and the same was received on 30.08.2025.
3. That the due drawn statement was not accordance with the office order dated 28.08.2001. That as per officer order dated 28.08.2001 the respondent No.3 had converted the post of petitioners from Lab-bearer to Lab-attendant and fixed the pay as under:-



S.N.	Name of the petitioner	Pay of the petitioner (as on 28.08.2001) in the pay scale of 2520-4041 for the post of Lab-bearers (Class-IV)	Pay fixation of the petitioner (as on 28.08.2001) in the pay scale of Rs.3120-5180 for the post of Laboratory Attendant (Class-III)
1	Narain Singh	3440/-	3440/- (Pay Protected)
2	Mohinder Singh	3440/-	3440/- (Pay Protected)
3	Mast Ram Thakur	3550/-	3550/- (Pay Protected)
4	Krishan Singh	3500/-	3500/- (Pay Protected)
5	Rajender Kumar	3440/-	3440/- (Pay Protected)

4. That after the approval of office order dated 28.08.2001 by the respondent No.2, the respondent No.3 was directed to submit the due drawn statement as per order dated 28.08.2001 vide letter dated 04.08.2025.

5. That, the due drawn statement received vide letter dated 30.08.2025 was not in accordance with the order dated 28.08.2001. Accordingly, the respondent No.3 was again directed to submit the due drawn statement as per order dated 28.08.2001 vide letter dated 12.09.2025. **In response to this letter the respondent No.3 submitted the due drawn statement on 15.09.2025 which was thoroughly examined by the Joint Controller (Finance & Accounts) in this Directorate and it has been observed that the management of the college has already claimed excess GIA in favour of the petitioner which will be recovered from the management out of the next installment of Grant in Aid for the year 2025-26.** Copy of calculation sheet dated 15.09.2025 received from the respondent No.3 is enclosed herewith as Annexure A-2.”

4. Learned Counsel for the petitioner states that though in terms of the judgment dated 04.06.2025, the case of the petitioners for



redesignation from Laboratory Bearers to Lab Attendants, and grant of pay scale of Rs.950-1800 [revised to Rs.3120-5160] revised from time to time; as given in another 95% Aided DAV College in terms of the letter [*Annexure A-7*] dated 12.03.1990 and the approval granted by Respondent No.2-Director of Higher Education on 19.05.1993 to similar incumbents. Learned Counsel for petitioner submits that the case was to be considered in above backdrop, which is borne out from the judgment but the shift in stand taken in the compliance affidavit vitiates the decision making process and is only to deprive the petitioners of their rightful-legal entitlements, flowing from consideration in terms of the aforesaid judgment.

5. Upon listing of case today, Learned State Counsel has placed on record the Instructions dated 27.11.2025, praying for further time for filing rejoinder/replication to the counter reply filed by petitioners.

6. At this stage, this Court observes that the intent of the judgments as per the observations made therein, cannot be negated by taking a new



2025:HHC:17534

stand altogether, which has nothing to do with instant claim and for considering the claim of the petitioners in terms of the judgment.

7. In these circumstances, this Court directs the State Authorities to consider the implementation of the judgment in letter and spirit, within two weeks from today positively; and to file a fresh compliance affidavit.

List the matter on **16.12.2025.**

November 28, 2025
[Shivender]

(Ranjan Sharma)
Judge