

JAGDEV VERMA Versus STATE OF HP AND ORS

CWP-13320 of 2025

19.08.2025 Present : Mr. Virbahadur Verma and Mr. Mukul Sharma,
Advocates, for the petitioner.

Mr. Vishwadeep Sharma and Mr. Y.P.S. Dhaulta,
Additional Advocate Generals, for respondent No.1-
State.

Mr. Nitin Thakur, Advocate, for respondents No.2 &
3.

CWP- 13320 of 2025 & CMP- 19924 of 2025

Notice. Mr. Vishwadeep Sharma, Additional
Advocate General and Mr. Nitin Thakur, Advocate, appear and
waive service of notice on behalf of respondent No.1 and
respondents No.2 & 3, respectively.

2. Heard.

2(i). The petitioner was engaged as Peon on a daily-wage
basis in the year 1998. His services were regularized in July,
2004. He was promoted as Clerk on 28.09.2007 and further
promoted as Junior Assistant on 20.09.2012.

2(ii). The Himachal Pradesh Civil Services (Revised Pay)
Rules, 2022 came into force. In view of Clause 6 of the Rules,
the petitioner also exercised the option for coming over to the
revised pay scales at 2.59 factor. The petitioner's pay was
accordingly fixed on 20.06.2022.

2(iii). On receipt of his monthly emoluments in terms of
the option exercised by the petitioner, it dawned upon him that

his pay had actually been reduced instead of intended enhancement. Realizing the mistake in the option exercised by him, the petitioner furnished a representation to the respondent-University seeking to revise his option at 15% enhancement, also available under the Rules. The petitioner prayed for exercise of fresh option by invoking the relaxation power as provided under Rule 15 of the Revised Pay Rules, 2022. However, in terms of Rule 6(4) of the Revised Pay Rules, 2022, the option once exercised was to be treated as final.

2(iv). Respondent No.2 forwarded petitioner's representation to the State Government on 19.12.2022. The State Education Department, in its response dated 24.02.2023, directed the respondent-University to take decision at its own level, following the spirit of Rule 6(4) of the Revised Pay Rules, 2022.

2(v). In the meanwhile, the petitioner again moved a representation on 14.03.2023, invoking the relaxation power under Rule 15 of the Revised Pay Rules, 2022, seeking change in the option furnished by him, i.e. from 2.59 factor to 15% enhancement.

2(vi). Keeping in view the hardship faced by the petitioner, serving as a Class-III employee, the respondent-University again took up the matter with the State Education Department on 22.03.2023 for invoking Rule 15 of the Revised Pay Rules, 2022

to relax the said Rules for allowing the petitioner to change his option. The State Education Department, vide its office letter dated 11.08.2023, directed the respondent-University to decide the matter at its own level, being an autonomous body.

Pursuant thereto, the respondent-University issued an office order on 30.10.2023. In terms of the said office order, the Vice-Chancellor of the respondent-University exercised powers under Rule 15 of the Revised Pay Rules, 2022 and accorded approval in favour of the petitioner to revise his option for fixing his pay by factor of 15%. Petitioner's pay was accordingly fixed.

3. Petitioner's grievance is against the office memorandum dated 25.11.2024 conveying that the Finance Committee of the respondent-University, in its meeting convened on 21.08.2024, and the Executive Council, in its meeting convened on 28.09.2024, rejected the case of the petitioner in view of Rule 6(4) of the Revised Pay Rules, 2022. Pursuant thereto, the said decision was implemented by the respondent-University by issuing office communication dated 08.08.2025, seeking to withdraw an amount of Rs.4,16,164/- from the petitioner on account of alleged overpayment in his monthly emoluments covering the period from 01.01.2016 to 31.05.2025.

4. *Prima facie*, from the documents placed on record, it appears that the respondent-University had itself placed the case of the petitioner for invoking the power to relax the Revised Pay Rules, 2022, before its Vice-Chancellor. Rule 15 of the Revised Pay Rules, 2022, giving power to relax, reads as under:-

“15. Power to relax.

Where the Government is satisfied that the operation of these rules causes undue hardship to any individual Government employee or class of Government employees, it may, by an order in writing, relax or dispense with any of the provisions of these rules to such extent and subject to such conditions, as it may consider necessary.”

The said exercise of power given under the above Rule, and in terms of the State Government's communication dated 11.08.2023 had resulted in issuance of office order issued by the respondent-University on 30.10.2023 permitting the petitioner to revise his option to fix his pay by 15% enhancement. Under the aforesaid order, the petitioner's pay was to be fixed in terms of the aforesaid revised option. It is the case of the petitioner that this order was implemented and petitioner's pay was accordingly refixed. It is not understandable that when specific power under Rule 15 of the Revised Pay Rules, 2022 had been exercised and an office order had been duly issued on 30.10.2023, which had also been implemented, yet the matter was again placed before the Finance Committee and Executive Council of the respondent-University. The fact also cannot be lost sight of that immediately on furnishing the option for coming over to the revised pay scale

at 2.59 factor, the petitioner had realized his mistake and requested for change of option. His representations in that regard had remained under consideration.

5. In the given facts and circumstances, the recovery from the monthly emoluments of the petitioner in terms of office communication dated 08.08.2025 does not appear to be justified. Hence, memorandum dated 25.11.2024 (Annexure P-8) and order dated 08.08.2025 (Annexure P-9) shall remain stayed till the next date of hearing.

Reply be filed by the respondents within three weeks. List on **22.09.2025**.

CMP- 19925 of 2025

The application is disposed of with a direction to the applicant/petitioner to file English translation of the annexure in issue within a period of four weeks from today.

**Jyotsna Rewal Dua
Judge**

19th August, 2025
(Pardeep)