

Gaurav Katoch vs. State of Himachal Pradesh and others

CWP No. 16317 of 2025

16.10.2025 Present Mr. Sohail Khan, proxy counsel vice Mr. C.N.Singh, Advocate.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocate Generals, with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocate Generals, for the respondents-State.

Notice. Mr. Vishal Panwar, learned Additional Advocate General, appears and accepts service of notice on behalf of respondents. He prays for and is granted two weeks' time to file reply.

Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by learned proxy counsel representing the petitioner, is that though in terms of notification dated 10.04.2025 (Annexure P-13) issued by the Special Secretary (Health) to the Government of Himachal Pradesh, petitioner herein, being Tutor Specialist in the Department of Biochemistry at Jawaharlal Nehru Government Medical College, Chamba, District Chamba, Himachal Pradesh, is entitled to revised stipend to the tune of Rs.1,00,000/-, but for no cogent and convincing reason, he has been denied such benefit, in terms of aforesaid communication on the ground that his initial appointment made in the year 2016 was on contract basis, whereas other doctors, who are being given benefit of aforesaid notification, were appointed after following due procedure of law as well as Resident Policy.

Careful perusal of notification dated 10.04.2025 (Annexure P-13) clearly reveals that revised stipend shall be given to the Residents, Tutor Specialists, DNB Super Specialists, Senior Residents and doctors, who are working in the Department of Medical Education and Research with immediate effect. Bare perusal of afore communication does not suggests that it makes any distinction between doctors appointed in the year 2023 and 2016 as is sought to be carved out by the respondents, while passing impugned order in the instant proceedings.

In view of the above, this Court sees no impediment in staying the operation of orders dated 25.07.2025 and 17.09.2025 (Annexures P-15 & 19) and according, order that no recovery, if any, shall be effected on account of excess payment, if any, made to the petitioner as stipend till further orders.

While filing reply, respondents may specifically take note of judgment passed by Hon'ble Apex Court in SLP(C) No.1347 of 2024, titled as **Shah Samir Bharatbhai & Ors. Vs. State of Gujarat & Ors., along with connected matters**, wherein it has been held as under:

“31. The appellants were seeking parity of pay. The prayer for regularization, though made in the earlier rounds of litigation was never accepted. The facts of the present case are rather egregious. Assistant professors appointed on contractual basis during 2011 to 2025 have been working at abysmally low monthly emoluments for the last

two decades. While there is no material whatsoever drawing out a distinction between the duties and functions performed by them and that of their colleagues appointed regularly or on ad hoc basis, they continue to draw monthly salary of Rs. 30,000/-.”

(Sandeep Sharma)
Judge

October 16, 2025
(shankar)