



2025:HHC:39705

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.18203 of 2025
Date of Decision: 24.11.2025

Rukmani Devi & Anr.		Petitioners
	Versus	
State of Himachal Pradesh & Ors.		Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioners: Mr. Devender K. Sharma, Advocate.

For the Respondents: Mr. Vishal Panwar, Additional Advocate General with Mr. Ravi Chauhan, Deputy Advocate General.

Sandeep Sharma, Judge (oral):

Being aggrieved and dissatisfied with the order dated 27.10.2025 (Annexure P-5), whereby representation, having been filed by the petitioners, in terms of judgments dated 04.09.2025 and 11.09.2025, passed by Coordinate Bench of this Court in CWP No.14300 of 2025, titled as ***Rajender Kumar Vs. State of H.P. & Ors.*** and CWP No.14667 of 2025, titled as ***Rukmani Devi Vs. State of Himachal Pradesh & Others***, whereby direction was issued to the respondents to consider and decide the case of the petitioners, in terms of the judgment passed by Coordinate Bench of this Court in CWP No.1638 of 2024, titled as ***Mohit Sharma Vs. State of H.P. and Others***, came to be rejected, petitioners have approached this Court in the instant proceedings, praying therein to set aside the aforesaid order dated 27.10.2025 (Annexure P-5), on the ground that same is not in

¹Whether the reporters of the local papers may be allowed to see the judgment?



conformity with the mandate contained in the judgment passed in **Mohit Sharma** (supra).

2. Having perused aforesaid order dated 27.10.2025 (Annexure P-5), passed in purported compliance of judgment passed in **Rajender Kumar** (supra) and **Rukmani Devi** (supra), this Court has no hesitation to conclude that impugned order passed in purported compliance of aforesaid judgments is not in conformity with the **Mohit Sharma** (supra) and as such, having taken note of the grievance of the petitioners and order proposed to be passed, this Court sees no necessity to call for reply on behalf of respondents, who are otherwise represented by Mr. Rajan Kahol, learned Additional Advocate General.

3. Since petitioners had instituted CWP No.14300 of 2025, titled as **Rajender Kumar Vs. State of H.P. & Ors.** and CWP No.14667 of 2025, titled as **Rukmani Devi Vs. State of Himachal Pradesh & Others**, seeking higher pay-scale on the strength of decision rendered in **Mohit Sharma** (supra), this Court disposed of the petition directing the respondents to consider the case of the petitioners in light of **Mohit Sharma** (supra). Interestingly, respondent No.3 though passed order dated 27.10.2025 (Annexure P-5), but held petitioners not similar situate to the petitioners in **Mohit Sharma** (supra) and as such, not covered under the afore judgment.

4. While rejecting the petitioner's case, Respondent No.3 concluded that petitioners had not completed two years of contractual



service by 03.01.2022. The Revised Pay Scale Rules, 2022, issued by the Government of Himachal Pradesh, apply only to individuals appointed on regular basis in posts under the State Government. Since the petitioners were not regular appointee as on 03.01.2022, the decision in *Mohit Sharma* (supra) was deemed inapplicable to their case.

5. It appears that respondent No.3, while rejecting the case of the petitioners, has not considered the decision in ***Mohit Sharma*** (supra) in proper perspective, which *inter alia*, holds that irrespective of employee's previous nature of employment contractual/temporary etc., upon regularization of service, the employee becomes part of regular stream. With this change in his status, such employee becomes entitled to the benefit of Revised Pay Rules, 2022. Benefits of Revised Pay Rules, 2022, cannot be denied to the employees merely because they acquired the status of regular employees after promulgation of Revised Pay Rules. The date of notifying the Revised Pay Rules and bringing them into force from a particular date cannot be construed to mean that those who attain regular status subsequently are to be denied the benefits of higher/revised pay. Of course, such employees would get the benefit post their regularization. Relevant Paragraphs of the judgment passed in *Mohit Sharma* (supra), reads as under:-

“4(iii). It is not the case of the respondents that notification dated 03.01.2022 or the Revised Pay Rules, 2022, brought in force thereunder, are not to be made applicable to employees, who attain regular status after 03.01.2022. Irrespective of his previous nature of employment contractual/temporary etc., upon



regularization of service, the employee becomes part of regular stream. With this change in his status, such employee becomes entitled to the benefit of Revised Pay Rules, 2022. Benefits of Revised Pay Rules, 2022, cannot be denied to the employees merely because they acquired the status of regular employees after promulgation of Revised Pay Rules. The date of notifying the Revised Pay Rules and bringing them into force from a particular date cannot be construed to mean that those who attain regular status subsequently are to be denied the benefits of higher/revised pay. Of course, such employees would get the benefit post their regularization. The Revised Pay Rules, 2022, restrict their applicability to regular employees. Therefore, the petitioners on becoming regular employees, upon fulfillment of conditions mentioned in the Rules are certainly entitled to higher stage of pay mentioned in the Rules. Any other interpretation would amount to creating classes within regular stream. Such differentiation would be discriminatory, unreasonable and violative of Articles 14 & 16 of the Constitution of India. There cannot be two pay scales in the same cadre for persons discharging same duties & responsibilities. Equals cannot be treated as unequal.

- 4(iv). Rule 7(A) inserted by amendment in the Revised Pay Rules, 2022, under the amendment notification dated 06.09.2022 has become part & parcel of the Revised Pay Rules, 2022, notified on 03.01.2022. Therefore, when the main Rules do not discriminate employees upon their acquiring regular status and are applicable to all regular employees subject to their respective & individual dates of attaining the eligibility for the benefits flowing from Revised Pay Rules, 2022, then the benefits of Rule 7(A) are also to be similarly accorded to the regular employees. Such of the employees, who have become regular after 03.01.2022 are to get benefits of the Revised Pay Rules, 2022, including Rule 7(A) upon their fulfilling the stipulated conditions. Thus, the petitioners on completing two years of regular service are to be released revised pay scale as per Rule 7(A) of the Revised Pay Rules, 2022.



4(v). Even if Rule 7(A) of the Revised Pay Rules, 2022, is to be read independently of the Revised Pay Rules, 2022, which seems to be the misplaced contention of the State, then also the petitioners are entitled to the benefit of Rule 7(A). As in such situation also, it has to be held that Rule 7(A) does not place any embargo upon flow of benefits under it to the contractual employees, more so, upon their completing two years of regular service. The words used in Rule 7(A) pertaining to its applicability are “employees who are appointed before 03.01.2022,” without making any distinction between contractual or regular appointment. Petitioners are appointees prior to 03.01.2022. Revised Pay Rules, 2022, therefore, become applicable upon regularization of contractual appointees and higher stage of pay provided under Rule 7(A) is to be released upon completing requisite number of years of regular service.”

6. In the present case, petitioners had completed two years of continuous contractual service on 03.03.2022 and 17.03.2022, respectively, and their services were subsequently regularized on 07.04.2022. However, this crucial aspect appears to have been overlooked by the respondents while passing order dated 27.10.2025 (Annexure P-6), as such, this Court is of the considered view that the petitioners are covered by the decision in **Mohit Sharma** (supra); however, the relevant factual aspects need to be examined by the competent authority.

7. Consequently, in view of the above, this Court finds merit in the present petition and accordingly the same is allowed. Impugned order dated 27.10.2025 (Annexure P-5) is quashed and set aside qua the petitioner. Respondent No.3 is directed to consider and decide the



case of the petitioner afresh for grant of benefits under the Revised Pay Scale Rules, 2022, strictly in accordance with **Mohit Sharma** (supra), within a period of three weeks from today.

The present petition is disposed in the above terms, so also the pending miscellaneous application(s), if any.

**(Sandeep Sharma),
Judge**

November 24, 2025
(Sunil)