

Bhagat Ram vs. HRTC and others a/w connected matters

CWP Nos.2108, 1323, 2313, 5651, 6345, 6611, 7825, 7857, 8050, 8177, 8192, 8193, 8233, 8241, 8242, 8312, 8501, 8559, 8560, 8561, 8562, 8563, 8579, 8581, 8585, 8587, 8734, 8742, 8845, 8940, 9000, 9001, 9002, 9179, 9217, 9255, 9274, 9312, 9363, 9389, 9471, 9534, 9546, 9547, 9581, 9675, 9703, 9769, 9845, 9846, 9847, 9849, 9853, 9887, 9889, 9895, 9896, 9897, 9898, 9904, 9907, 9909, 9948, 9964, 10023, 10054, 10101, 10102, 10103, 10121 to 10130, 10274, 10280, 10356, 10450, 10490, 10551 to 10554, 10581, 10585, 10660, 10661, 10663, 10680, 10687, 10734, 10760, 10761, 10764, 10832, 10841, 10843, 10845, 10862, 10945, 10958 of 2023, COPC No.537 and 543 of 2023, CWP Nos.71, 255, 303, 407, 408, 749, 1101, 1561, 1978, 2505, 2820, 3001, 3049, 3263, 3351, 3560, 3761, 3762, 3837, 3947, 4345, 5085, 5307, 5441, 5445, 5478, 5557, 5635 to 5641, 5753, 5755, 5860, 5870, 5889, 5948, 5949, 5975, 6041, 6043, 6047, 6055, 6101, 6131, 6185, 6187, 6215, 6221, 6249, 6405, 6407, 6409, 6615, 6665, 6667 to 6670, 6721, 6723 to 6727, 6779 to 6782, 6802, 6815 to 6817, 6871, 6873, 6931, 6947, 6979, 6983, 7045, 7249, 7305, 7306, 7341, 7371, 7598, 7605, 7621, 7715, 7725, 7771, 7772, 7803, 7910, 7911, 7973, 8016, 8121, 8166, 8167, 8171, 8185, 8257, 8261, 8263, 8477, 8478, 8512, 8531, 8593, 8609, 8654, 8655, 8664, 8665, 8725, 8731, 8837, 8840, 8843, 8844, 8845, 8897 to 8902, 8905, 8907, 8945, 8948, 8977, 8989, 9050, 9078, 9079 to 9083, 9101, 9151, 9186, 9199, 9200, 9202, 9221, 9223, 9224, 9231, 9253 to 9260, 9268, 9311, 9312, 9343, 9344, 9353, 9363, 9365, 9427, 9445, 9453, 9469, 9470, 9471, 9472, 9473, 9489, 9507, 9551, 9681, 9845, 9848, 9850, 9852, 9859, 9860, 9888, 9893, 9894, 9902, 9903, 9905, 10009, 10043, 10050, 10054, 10062, 10063, 10182, 10188, 10202, 10225,

10257, 10259, 10261, 10262, 10314, 10315, 10321, 10322, 10323, 10334, 10337, 10385, 10405, 10427, 10437, 10442, 10507, 10514, 10515, 10573, 10617, 10623, 10626, 10627, 10633, 10805, 10901 to 10906, 10908, 10925, 11046, 11056, 11082, 11083, 11085, 11086, 11183, 11210, 11211, 11261, 11297, 11315, 11318, 11361, 11405, 11406, 11412, 11414, 11415, 11419 to 11422, 11461, 11537, 11553, 11557, 11709, 11713, 11715, 11716, 11753, 11957, 12067, 12096, 12223, 12323, 12373, 12616, 12617, 12618, 12641, 12760, 12962, 13131 to 13134, 13136, 13229, 13265, 13281, 14631, 15338, 15631, 15635 of 2024, COPC Nos.96, 169, 579, 580, 607 of 2024, LPA Nos.109, 322, 323, 336, 349, 372, 374, 384, 386, 400, 439, 462, 486 of 2024, CMP(M) Nos.1260, 1278, 1511, 1593, 1672, 1751, 2087 of 2024, Ex. P. Nos.49, 292, 631 of 2024 and LPA Nos.77, 137, 141 to 145, 147, 149, 151, 152, 154 to 157, 159, 160, 163 to 165 of 2025.

Item No. D-17

15.05.2025 Present:

Mr. Sanjeev Bhushan, Mr. K.S. Banyal, Mr. Vijay K. Arora, Sr. Advocates with Mr. Onkar Jairath, Mr. Amit Singh Chandel, Ms. Bhawna Sharma, Ms. Amita, Ms. Kavita Kajal, Mr. Uday Singh Banyal, Mr. Manohar Lal Sharma, Mr. Sunny Dhatwalia, Mr. Yogesh Kumar Chandel, Mr. Sanjay Gandhi, Mr. Ashwani Chawla, Mr. Karan Singh Parmar, Mr. Bhupender Kumar, Mr. Ashok Kumar, Mr. Shyama Chatterji, Mr. Shourya Sharma, Ms. Minakshi Sharma, Mr. Narender Sharma, Ms. Shikha Rajta, Mr. M.A. Safee, Mr. Shubham Sood, Mr. Prakash Sharma, Mr. Vijay Chaudhary, Mr. Devender Sharma, Mr. Ramesh Kumar Kaundal, Mr. H.S. Rangra, Mr. Rakesh Chauhan, Mr. Himanshu Kapila, Mr. Tek Chand Sharma, Mr. H.R. Bhardwaj, Mr. Praveen Chauhan, Mr. B. Nandan Vashisht, Mr. Pawan Kumar Sharma, Mr. Ashwani K. Sharma, Mr. Mohit Thakur, Mr. Vishwa Bhushan, Mr. Raj Kumar, Mr. Ajay Thakur, Mr. Devender K. Sharma, Mr. Gopal Singh, Mr. Ravi Kant Kaushal, Mr. S.D. Gill, Mr. Mandeep

Chandel, Mr. Vinod Chauhan, Ms. Aanchal Singh, Mr. Sanjay K. Sharma, Mr. Ajeet Singh Saklani, Mr. Sohail Khan, Mr. Rajat Kumar, Mr. Aditya Chouhan and Mr. Om Prakash Goel, Ms. Narvada, Mr. Ramesh Kumar Kaundal, Mr. Bhupinder Kumar, Mr. Gurmeet Bhardwaj, Ms. Shikha Gupta, Mr. Mohit Thakur, Mr. Tarun Sharma, Mr. Ajay Thakur, Mr. Mandeep Chandel, Mr. Mohit Dogra, Mr. Vishal Singh Thakur, and Mr. Krishan Chand Chauhan, Mr. Rakesh Kumar Dogra, Mr. Kuldeep Chand, Mr. Ashish Verma, Mr. P.P. Chauhan, Mr. K.B. Khajuria, Mr. Sarthak Mehta, Mr. Mayank Sharma, Mr. Shivender Singh, Mr. M.L. Sharma, Mr. Sandeep Kumar Pandey, Mr. Bhim Raj Sharma, Mr. Ishmeet, Mr. Adarsh K. Vashista, Mr. Piyush Dhanotia, Advocates, for the respective petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General for respondent-State.

Mr. Kunal Mehta, Advocate, for respondents No.2 and 3 in CWP Nos.11085 and 11086 of 2024.

Ms. Shubh Mahajan, Mr. Dheeraj K. Vashishta, Mr. Raman Jamalta, Mr. Vinod Kumar Gupta, Advocates, for respondent-HRTC, in respective petitions.

Ms. Sunita Sharma, Senior Advocate with Mr. Dhananjay Sharma and Mr. Ravinder Thakur, Advocates, for respondent-HPSEBL, in respective petitions.

Mr. Shivank Singh Panta and Ms. Maheshwari Sharma, Advocate, for HPTDC, in respective petitions.

Mr. Devender Sharma, Advocate, for respondent/High Court in CWP No.8501 of 2023.

Mr. Abhishek Nagat, Advocate, for respondents No.2 & 3 in CWP Nos.11085 & 11086 of 2024.

Mr. Tek Ram Sharma, Mr. Tara Chand, Mr. Rangil Singh, Mr. Chitranjan Sharma and Ms. Komal Chaudhary, Advocates for the Accountant General, in the respective petitions.

Similar matters being **CMP(M) No.2117 of 2024 and CMP(M) No.196, 277, 346, 349 of 2025 and LPA No.357 of 2024** are also tagged and taken up alongwith these matters.

2. During the course of proceeding, it transpires that the initial order was passed on 31.05.2023 by the Division Bench in CWP No.2108 of 2023 titled as ***Bhagat Ram Vs. HRTC and others*** on the strength of the judgment passed by the Coordinate Bench in CWP No.3050 of 2014 titled as ***Nek Ram Vs. State of H.P. and Others*** (Annexure P-4).

3. Resultantly, the Writ petition was disposed of directing the respondents to pay arrears of revisional pay scale w.e.f. 01.01.2016 to 30.11.2020 with interest at the rate 6% per annum. Various Writ petitions were thereafter allowed by the learned Single Judges, on the basis of the said order.

4. Review Petition No.98 of 2024 came to be filed with the prayer that the order had been passed without opportunity of being heard to contest the matter and that there are certain financial implications. The said order was then re-called on 30.08.2024. LPA No.85 of

2024 which had arisen out of CWP No.5651 of 2023 was also disposed of by setting aside the order dated 26.09.2023 and the matter was ordered to be listed before this Bench.

5. It has been now brought to our notice that the primary dispute as such of the petitioners is regarding issuance of the writ of mandamus on the strength of notification dated 25.02.2022 for the persons who have retired after 01.01.2016 and in view of the fact that on 03.01.2022, the Himachal Pradesh Civil Services (Revised Pay) Rules, 2022 were deemed to come into force w.e.f. January, 2016. Under Rule 13 of the said Rules, it is provided that the arrears to be paid in such a manner and at such time as may be approved by the Government. Apparently, similar clause has also incorporated in subsequent notification dated 25.02.2022 under Clause 10 that the said amount will be paid in such a manner as may be decided by the Government in future.

6. It has been brought to our notice that on 17.09.2022, vide office memorandum and while referring to para 10 of the letter dated 25.02.2022, staggered payments have been directed to be paid. Similarly, on 13.03.2024, vide another office memorandum in continuation of the memorandum dated 17.09.2022, the

family pension and the arrears of family pension to the Pre 2016 and Post 2016 have also been directed to be paid as per the manner depicted in the chart, which is more on the basis of strength of age as such of the pensioners. It is conceded position that neither the Rule nor the Clause for deferred payment is subject matter of challenge and neither it has been adjudicated on merit by any Court till now.

7. Faced with this situation, the counsels seek time to chalk out the next line of action.

8. List on **22.05.2025**.

9. De-tag **CWP No.8845 of 2023, CWP Nos. 8171, 10188, 7341, 7045 and 5445 of 2024** on request and list these matters on **02.07.2025**, as per Roster.

(**G.S. Sandhawalia**)
Chief Justice

15th May, 2025
(*priti*)

(**Ranjan Sharma**)
Judge