DSE- 865
24-07-26

No. EDN-HE(1)B(7)4/2025-Pay Revision
Directorate of Higher Education
Himachal Pradesh Shimla-1

शिक्षा निदेशालय उच्चतर हि0प्र0

Dated Shimla-171001 the 20th July, 2026

20 JUL 2026
शिमला–1

Office Order

Whereas, the petitioners were appointed in the Department as Junior Office Assistant (IT) on contract basis on 29.04.2017 and were paid the contractual emoluments applicable at the relevant time (in minimum of pay band and grade pay), in accordance with the instructions issued by the Finance Department from time to time. Subsequently, their services were regularized after completion of three years contract services in the year 2020 pursuant to the approvals conveyed by the Government from time to time.

And whereas, the petitioners have filed CWP No. 914 of 2026, Vipin Sharma & Others Vs State of H.P. & Others, wherein claiming the difference of emoluments between the pay actually paid to them during the contract period and the emoluments payable to them at the minimum of the revised pay band plus grade pay, in terms of HP. Civil Services (revised pay) rules 2022 w.e.f. 01.01.2016. Hon'ble High Court disposed of the writ petition with a direction to the respondents to consider and decide the representations submitted by the petitioners in accordance with law, while also taking into consideration the judgment rendered in the case of Ghanshyam Dass.

And whereas, as per Govt notification No. Fin(C)-B(7)-2/2012 dated 12.01.2022, revision of contractual salary would be applicable to all contractual appointments in the State Govt. made on or after 01.01.2022. As per this notification the contract appointees appointed after 01.01.2022 will get the 60% of the first cell of the applicable level of the pay matrix of the corresponding cadre of employees appointed working on regular basis. The petitioners feeling aggrieved with this notification, as this notification was applicable to contract employee appointed on or after 01.01.2022. Grievances of the petitioners were that this notification of pay revision should be applicable from 01.01.2016, so as to enable them to get the benefit of revised pay scale for their contractual past services earlier to 01.01.2022. For this relief the petitioners filed the writ petition. In the similar issue the Hon'ble HC in CWP No. 2056/2023-Ghanshyam Dass case has held as under:

"Therefore, as this Court is of the considered view that the petitioners are indeed entitled for the benefits of notification dated 3rd of January, 2022, as far as the payment of the difference of the emoluments between the minimum of pay band and grade pay paid to them and to which, they are entitled to post issuance of notification dated 3rd of January, 2022. which came into effect from Ist January, 2016, these writ petitions are accordingly allowed by directing the respondents to fix the pay of the petitioners for the period, they served on contract basis at the minimum of the revised pay band grade pay along with such hike, to which, they are entitled to, in terms of the revised notification It is clarified that this Court has not adjudicated upon the legal validity of the notification in issue, i.e. notification dated 12.01.2022, and this issue is left open. It is further clarified that the relief that has been given to the petitioners is as from the date, when they were appointed on contract basis, till the date of their services were/are regularized."

And whereas, the judgment passed in Ghanshyam Dass in COPC No. 722 of 2024

IT

arising out of CWP No. 2056 of 2023 has been challenged by the State by filing a Letters Patent Appeal (LPA No. 295 of 2026) before the Hon'ble High Court, which is presently pending adjudication.

And whereas, as per the directions conveyed by the Government vide Letter No EDUA -B015/4/2023-EDU-A/122834 dated 11.05.2026, the Health Department has already filed LPA No. 316 of 2025 against the judgment passed in the lead connected matter, i.e., CWP No. 3148 of 2022- Yashwant Kumar & ors. Vs State of h.P. & ors., Further, in another similar matter, namely COPC No. 713 of 2024 CWP No. 4711 of 2023, Rishabh Chambial and ors. Vs State of H.P. and ors. , LPA has been registered vide filing No. LPA/16878/2025.

And whereas, the aforesaid LPA No. 295 of 2006 along with connected LPA(s) were listed before Hon'ble court on 13.05.2026 and upon being satisfied with the sufficient cause shown in the applications, the delay in filing the appeals was condoned. Thereafter, the matters were listed on 13.07.2026, when the Hon'ble Court directed that the cases be listed before a Bench of which case one of us (Hon'ble Mr. Justice Ajay Mohan Goel) is not a member. Accordingly, on the next date of hearing, the stay applications shall also be listed before the appropriate Bench for consideration.

And whereas, the Hon'ble Supreme Court, in AIR 2022 SC 4019, titled as State of Tripura and ors. Vs. Anjana Bhattacharjee and ors. has held as under:-

"5.5 in the subsequent decision in Bihar Pensioners Samaj(Supra), the decision in the case of Amar Nath Goyal (supra) is followed and it is observed and held that financial constraints could be a valid ground for introducing cut-off date while introducing a pension scheme on revised basis. It is further observed and held by this Court in the aforesaid decision that fixing of a cut off date for granting of benefits is well within the powers of the Government as long as the reasons therefore are not arbitrary and are based on some rational consideration 6. While applying the law laid down by this Court in the foresaid decisions to the facts of the case on hand we are of the opinion that in the instant case before us, the cut-off late has been fixed as 01.01.2009 on a very valid ground i.e. financial constraint Therefore, the High Court manifestly erred in striking down the Rule 3(3) of the Pension Rules, 2009 being arbitrary and violative of Article 14 of the Constitution."

Now, therefore, in view of the facts and circumstances of the case, it is evident that the Notification dated 03.01.2022 introducing the revised contract emoluments with effect from 01.01.2022, by prescribing a cut-off date, is lawful and valid. Accordingly, in view of the validity of the aforesaid Notification, the claim for grant of revised contract emoluments for the period prior to 01.01.2022 cannot be acceded to at this stage and is, accordingly, rejected.

Regd.

VIPIN SHARMA AND OTHERS
S/o Sh Baldev Raj working as JOA IT at GSSS Dangar,
Distt Bilaspur HP.

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20 JUL 2026

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for

Director Higher Education
Himachal PradeshShimla-1

Endst. No. Even, Dated: Shimla-171001, the 20th July, 2026

Copy for information and necessary action to:-

1. The Secretary Education to the Government of Himachal Pradesh Shimla-2 w.r.t. letter number EDUA-B015/4/2023-EDU-A/122834 dated 15.07.2026.
2. The Director School Education, Himachal Pradesh, Shimla-1.
3. The Ld. District Attorney, Directorate of Higher Education, HP.
4. The DDSE(Secondary & Elementary), Bilaspur, Chamba, Kangra at Dharamshala and Solan Himachal Pradesh.
5. All the DDO concerned.
6. In-charge, IT cell to upload the same on departmental website.
7. Guard file.

for

Director Higher Education
Himachal Pradesh Shimla-1

D.S.E