IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No.17197 of 2025.
Decided on : 28th October, 2026

Sunil Kumar **...Petitioner.**

Versus

State of H.P. & Ors. **....Respondents.**

Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the Petitioner: Mr. C.N. Singh, Advocate, Dr. Nidhi Singh, Advocate and Mr. Anshul Gandhi, Advocate.

For the respondents: Ms. Menka Raj Chauhan, Advocate.

Jyotsna Rewal Dua, Judge.

The petitioner seeks revised stipend in terms of notification dated 10.04.2025 (Annexure P-8).

2. Heard and considered the case file.

3. In the reply filed by the respondents, the sole reason assigned for not releasing revised stipend to the petitioner is that the notification issued on 10.04.2025 is applicable only to those Senior Residents/Tutor Specialists who are appointed as per provisions of the Resident Doctor Policy of the department, whereas those Senior Residents/Tutor Specialists who were appointed strictly as per the department contract policy notified on 22.04.2016, as amended on

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

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01.04.2023, are entitled for contractual salary/emoluments as fixed in the contractual policy; Petitioner was appointed as per department contract policy, therefore, he is not entitled to the revised stipend in terms of notification dated 10.04.2025.

4. Following order was passed in this matter on 26.10.2026:-

> *"Learned Counsel for the petitioner submitted that issue raised in this writ petition has already been adjudicated upon in CWP No. 15082/2025 (Ankita Singh vs. State of Himachal Pradesh and Others), decided on 12.05.2026 and the aforesaid decision has attained finality as it stands implemented as well.*
>
> *Learned Deputy Advocate General seeks time to verify the above fact.*
>
> *List on 28.10.2026."*

Ankita Singh vs. State of H.P. & Ors.[2] holds that notification dated 10.04.2025 does not distinguish between a Senior Resident/Tutor Specialist appointed under the Resident Doctor Policy vis-a-vis a contractual appointee. Therefore, the department cannot be permitted to rake up this distinction and discriminate between Senior Residents/Tutor Specialists on the basis of source of recruitment; That even otherwise, Senior Residents/Tutor Specialists, irrespective of their appointment under the Resident Doctor Policy or the contractual policy, perform the same duties. Therefore, there is no justification in denying similar revised stipend to them. Accordingly, respondents were directed to pay revised stipend in terms of notification dated 10.04.2025 as from the date of

[2]CWP No. 15802 of 2025, decided on 12.05.2026

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issuance of the said notification to the petitioner (therein). Relevant portion of the judgment is as under:

> *"11. When Notification dated 10.04.2025 does not distinguish between a Senior Resident/Tutor Specialist appointed under the Resident Doctor Policy vis-a-vis a contractual appointee, the Department cannot be permitted to rake up this distinction and discriminate between Senior Resident/ Tutor Specialists simply on the basis of the source of recruitment.*
>
> *12. Otherwise also, as Senior Resident/ Tutor Specialist, be the one having been appointed under the Resident Doctor Policy or under Contractual Policy, are performing the same duties. There is no justification in not denying similar revised stipend to them.*
>
> *13. Accordingly, in light of above observation, this petition is allowed. The act of the respondents of not paying to the petitioner the revised stipend in terms of Notification dated 10.04.2025 as from the date of issuance of the said Notification is held to be bad and the respondents are directed to pay to the petitioner the revised stipend for the post of Senior Resident/ Tutor Specialist w.e.f. 10.04.2025."*

Pursuant to the order dated 26.10.2026 passed in this writ petition, learned Deputy Advocate General has placed on record copy of instructions dated 28.10.2026 from Director Medical Education and Research, H.P. The only distinction drawn therein between the case of the petitioner and that of *Ankita Singh*[2] is that petitioner, after completion of his tenure, stands relieved from Pt. JLNGMC, Chamba. There is force in the contention of learned counsel for the petitioner that petitioner is entitled to revised stipend pursuant to notification dated 10.04.2025 for the period he discharged his service with the respondents. His relieving on completion of his tenure would not impact his eligibility for receipt of

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revised stipend in terms of the notification dated 10.04.2025 for the service already discharged by him with the respondents. Admittedly, petitioner continued to serve with the respondents during the period 10.04.2025 till his relieving on 24.12.2025. Therefore, following the ratio of *Ankita Singh*[2], this writ petition is disposed of with directions to the respondents to pay the revised stipend to the petitioner in terms of notification dated 10.04.2025 till he remained in the service of the respondents i.e. 24.12.2025. The needful be done within six weeks.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

28th October, 2026.
(jai)

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