IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPIL No.31 of 2024
Date of Decision:- 15.06.2026

Vipin Kumar Guleria **....Petitioner**

Versus

State of Himachal Pradesh & others **....Respondents**

Coram
The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice
The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the Petitioner : Mr. R.L. Chaudhary and Mr. H.R. Sidhu, Advocates.

For the Respondents : Mr. Gobind Korla, Additional Advocate General.

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

The present Public Interest Litigation (PIL) has been filed under Article 226 of the Constitution of India for seeking directions to the respondent authorities not to withdraw the salaries of any employees in violation of Government decisions dated 01.05.1999, 27.07.2000, 01.12.2005 and 02.06.2010 **(Annexure P-1 to P-4).**

2. The relief sought is basically only on account of the fact that the respondent-State posts all adjusted employees of all the departments from headquarters, soft stations, Secretariat and

[1] Whether reporters of Local Papers may be allowed to see the judgment?

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Directorates against the posts qua, which they have been deployed in the tribal, hard, difficult and rural areas, so that the people of these areas may not be deprived from the services of the Government.

3. Resultantly, prayer No.(iii) is sought to take action against all the DDOs and Treasury Officers and effect recoveries from them, who have withdrawn the salaries of the employees without making endorsement that the employees have actually worked against the said posts in the said area for the said month, in violation of the aforesaid Government decisions **(Annexure P-1 to P-4).**

4. On 24.04.2025, while noticing the replies filed and the affidavits filed by the Director Health Services, Himachal Pradesh, Shimla and the affidavit filed by the Secretary (Education) to the Government of Himachal Pradesh, Shimla, it was found that there was an admission that the incumbents are allowed to be posted/adjusted in the other Institutions against the higher or equivalent posts without making any unauthorized drawl of their salary from the vacant posts of the hard, tribal or difficult areas. The teachers or their dependents suffering from one or other severe medical problems were also being temporarily deputed near to the place where proper medical

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facilities are available, on the approval of the competent authority. They were being allowed to be posted/adjusted in the other institutions on the ground of adverse circumstances of the concerned employee. We found that the affidavits did not give the details/number of such officials who have been posted/adjusted in the other institutions. Resultantly, we directed that the comprehensive affidavits be filed by both the Secretaries regarding their Departments by giving details of such persons as such who have been posted/adjusted and are not working at their designated place of posting but in the other Institutions and are drawing salary from other places. The affidavits were required to give the details of period from when such officials have been deputed in the place other than in the place of their postings.

5. Vide order dated 18.08.2025, it was noticed that 86 persons from the Education Department have been posted/deputed at different places other than their official places of posting and from the Health Department, there were 123 persons who are also placed in similar circumstances. The necessary officials were asked to file supplementary affidavits as to whether the period of stay at the place of deputation was being reflected in the service record for the purpose of further transfer and whether the employees, can still claim for the benefits of

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transfer at the places they are posted, after the period of their deputation while relying upon their original place of posting.

6. Vide order dated 26.11.2025, it transpired that the period of deputation as such was not being reflected in the service book record for the purpose of further transfers and was being counted at the original place of posting. It was thus noticed that an official who was earlier posted at Shimla and then posted in hard, difficult, tribal and rural areas, but now deputed again at Shimla, would continue to get the benefits of the hard, difficult, tribal and rural areas posting for the subsequent transfer also on account of the record not being correctly maintained. Resultantly, we directed that the said order be brought to the notice of the Chief Secretary to the Government of Himachal Pradesh for issuing necessary instructions at the Government level.

7. The necessary instructions dated 05.01.2026 has now been placed on record, whereas the Chief Secretary to the Government of Himachal Pradesh as such had made efforts to rectify the said anomaly and directed that the entire period of deputation/deployment alongwith the place of deputation/deployment and duration thereof, shall invariably be recorded in the Service Book of the concerned officer/official.

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Thus, the period spent on deputation/deployment shall be reckoned separately and distinctly from the period of stay at the parent place of posting for all purposes, including future transfers and admissibility of posting-related benefits. Clause 6 of the said instructions dated 05.01.2026, specifically provided that these instructions be brought to the notice of all concerned for strict compliance and violation of the above shall attract action against the erring officers(s)/official(s).

8. Counsel for the petitioner has pointed out from the first instruction dated 01.05.1999 **(Annexure P-1)** that the accountability as such had been fixed on the Drawing and Disbursing Officer to record a certificate on the salary bill to the effect that the officials have actually worked at the station shown in the bill during the month for which the salary is being claimed and a bill without this certificate shall not be passed and the concerned Drawing and Disbursing Officer and Treasury Officers shall be liable for disciplinary action. It is submitted that the instructions dated 05.01.2026 of the Chief Secretary to the Government of Himachal Pradesh as such does not stress the said issue.

9. Faced with this situation, counsel for the respondents-State submits that necessary instructions will be

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issued incorporating the said provisions in the instructions dated 05.01.2026. We further direct that the term “invariably” in Clause to be recorded in the service book record need not be mentioned and the factum regarding the deployment & deputation in the other place of posting rather than the present place of posting has necessarily have to be made in the service book record.

10. Accordingly, we dispose of the present Public Interest Litigation (PIL) having served its purpose. However, the respondents-State shall file the necessary compliance report, supplementing and modifying the instructions dated 05.01.2026 issued by the Chief Secretary to the Government of Himachal Pradesh as noticed above. Pending miscellaneous application(s), if any, shall stand disposed of.

11. Compliance report be filed by the respondents-State within a period of six weeks from today. Office to list the matter only for the said purpose on **30.07.2026.**

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

15th June, 2026
(Munish Thakur)

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