



IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA

CWP No.279 of 2024

Decided on: 8th January, 2024

Ramesh Chand & anr.

....Petitioners

Versus

HPSEBL & anr.

.....Respondents

Coram

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹ *Whether approved for reporting?*

For the petitioners: Mr. Surinder Saklani, Advocate

For the respondents: Mr. Leela Nand Sharma, Advocate.

Ranjan Sharma, Judge (Oral)

Notice. Mr. Leela Nand Sharma, Advocate appears and waives service of notice on behalf of the respondents.

2. The petitioners, having retired from the post(s) of Superintendent Grade-II and Senior Assistant, from the Respondent-Board have filed the instant writ petition, with the following prayer(s):-

- “(i) That a writ in the nature of mandamus may very kindly be issued thereby directing the respondents to pay the arrears of revision of pay scale w.e.f. 1.1.2016 alongwith interest of 6% per annum from the due date till the date

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

of its realizations.

- (ii) That the direction may kindly be issued to the respondent board to revise the gratuity leave encashment and family pension and to pay the same along with interest of 6% per annum to the petitioners w.e.f. 01.01.2016 till the dates of its realization.”

3. Case of the petitioners is that the respondents-HPSEBL have framed the Himachal Pradesh Civil Services (Revised Pay) Rules, 2022, as per Notification dated 3rd January, 2022, *Annexure P-1*. Mr. Surinder Saklani, learned counsel for the petitioners submits that consequent upon the issuance of Notification, dated 3rd January, 2022, the respondents were duty bound to grant the benefit of (i) arrears on account of revision of pension, gratuity, leave encashment, commutation, family pension and pay arrear for the period 01.01.2016 to 30.04.2022 and 31.3.2022 and (ii) revised retiral benefits as per the Notification dated 25.02.2022 i.e. revised pension, revised gratuity, revised leave encashment and revised commuted pension and pay to the petitioners-retirees.

4. Learned counsel further submits that *firstly*, respondents have not released the arrears of revised pay

for the period w.e.f. 01.01.2016 till their superannuation as yet; *secondly*, as per Notification dated 25.02.2022, the respondents have neither released the Revised Benefits i.e. Revised Pension and Revised Gratuity under the C.C.S. (Pension) Rules 1972 nor the arrears of Revised Pension and Revised Gratuity; and *thirdly*, the Revised Leave Encashment and Revised Commuted Pension has neither been assessed/sanctioned nor the arrears thereof have been released to the petitioner till day.

6. Learned counsel for the petitioners has placed reliance, on the judgment passed by this Court, in **CWP No.5651 of 2023**, tilted as **Dr. Sunil Kumar Chandel and others Versus State of Himachal Pradesh and others**, decided on 26.09.2023, **CWP No.7895 of 2023**, titled as **Krishan Lal & others Versus State of H.P. & others**, decided on 18.10.2023. He also placed reliance on the judgment passed by the Division Bench of this Court in **CWP No.7359 of 2021**, titled as **Amita Gupta Versus State of Himachal Pradesh and others**, decided on 01.12.2022, granting the revised leave encashment on the basis of revised pay. He further submits that the judgment in case of **Amita Gupta** (supra) stands implemented and in **CWP No.2108 of**

2023 titled as **Bhagat Ram Versus Himachal Road Transport Corporation and others**, decided on 31.05.2023, *Annexure P-7 (colly)*, whereby this Court has mandated the respondents therein to release the arrears of pay as well as revised retiral benefits alongwith arrears with interest @ 6% per annum from the due date till its realization.

7. On the other hand, Mr. Leela Nand Sharma, Advocate, submits that the judgment in case of **Bhagat Ram** (supra) has not attained finality, as the HRTC-Respondent therein has filed a Review Petition, which is pending listing/hearing.

8. Faced with this situation, learned counsel for the petitioners, on instructions, submits that the petitioners shall be satisfied, in case, this Court permits him to make a representation for claiming above benefits. The prayer being innocuous, is not opposed and needs to be granted.

9. Accordingly, as prayed for, by the learned counsel for the petitioners, this Court permits the petitioners to make a representation, either jointly or separately, to respondent No.2-Executive Engineer Electrical Division HPSEBL, Lambagaon, Distt. Kangra, Pradesh, within three weeks from today; with further directions to the aforesaid

respondent to examine/consider and decide the representation by passing appropriate orders, in accordance with law, within four weeks thereafter. Ordered accordingly.

10. Needless to say that, this Court has *not adverted to the rival contentions and merits of the matter* and all *Questions of facts and law are left open*.

In aforesaid terms, the writ petition as well as the pending miscellaneous application(s), if any, shall also stand disposed of, accordingly.

(Ranjan Sharma)
Judge

8th January, 2024
(mamta)