

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.8062 of 2026

**a/w CWP Nos.8543, 8556, 8157, 8558,
8559, 8560, 10072 and 10089 of 2026**

Reserved on: 28.07.2026

Date of decision: 16.09.2026

Uploaded on: 16.09.2026

1. **CWP No.8062 of 2026**

Surinder Singh.

...Petitioner.

Versus

State of Himachal Pradesh & Anr.

...Respondents.

2. **CWP No.8543 of 2026**

Rajinder Kumar.

...Petitioner.

Versus

State of Himachal Pradesh & Anr.

...Respondents.

3. **CWP No.8556 of 2026**

Pushp Lata.

...Petitioner.

Versus

State of Himachal Pradesh & Anr.

...Respondents.

4. **CWP No.8157 of 2026**

Man Singh.

...Petitioner.

Versus

State of Himachal Pradesh & Anr.

...Respondents.

5. **CWP No.8558 of 2026**

Nisha Rani.

...Petitioner.

Versus

State of Himachal Pradesh & Anr.

...Respondents.

6. **CWP No.8559 of 2026**

Anju Sharma.

...Petitioner.

Versus

State of Himachal Pradesh & Anr.

...Respondents.

7. **CWP No.8560 of 2026**

Ramesh Kumar.

...Petitioner.

Versus

State of Himachal Pradesh & Anr.

...Respondents.

8. **CWP No.10072 of 2026**

Hitender Kumar.

...Petitioner.

Versus

State of Himachal Pradesh & Anr.

...Respondents.

9. **CWP No.10089 of 2026**

Parkash.

...Petitioner.

Versus

State of Himachal Pradesh & Anr.

...Respondents.

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?¹

For the petitioner(s) : Mr. Chaman Lal, Advocate in all matters.

For the respondent(s) : Mr. Raj Negi, Deputy Advocate General,
for the respondents-State in all matters

¹ Whether the reporters of the local papers may be allowed to see the Judgment? Yes

Vivek Singh Thakur, Judge

For involvement of common questions of law and facts to be adjudicated in these matters, as requested, these writ petitions are being decided by this common judgment.

2. Petitioners were serving as Lecturer (Direct) with the respondent-Education Department on regular basis. Next promotion available to the petitioners was to the post of Principal (School Cadre), Class-I (Gazetted), in terms of the Recruitment and Promotion Rules ('**R&P Rules**') governing the appointment and promotion to the post of Principal (School Cadre). The ratio of promotions of Headmasters and Lecturers to the post of Principal was 50:50, as is apparent from the R&P Rules dated 10.08.2007, placed on record as Annexure P-1.

3. Petitioners became fully eligible and entitled to be considered for promotion to the post of Principal in consonance with the R&P Rules, and posts of Principals were also lying vacant. However, the respondent Department, instead of convening a regular DPC for regular promotion to the post of Principal, issued Notifications directing the petitioners and others working as Lecturer (Direct) to hold charge of the post of Principal (School Cadre) in their existing pay scales, with the rider that they shall not be entitled to

any financial benefits attached to the post of Principal for holding the charge of the post of Principal (School Cadre).

4. Some of the petitioners retired on attaining the age of superannuation from various schools.

5. Respondents delayed the conducting of meetings of the Departmental Promotion Committee ('DPC') for an inordinately long period, which led to the filing of various writ petitions, including **CWP No.737 of 2024** titled **Pradeep Singh & Ors. vs. State of H.P. & Ors.** along with connected matters (CWP Nos.727, 3777, 4043, 4096, 6313 and 16641 of 2024), seeking directions to convene the DPC for regularisation/promotion as Principal. During the pendency thereof, the State Government convened the DPC, and ultimately, vide notification dated 08.05.2025 (Annexure P-5), on the recommendation of the DPC, petitioners were promoted to the post of Principal on regular basis with immediate effect, but restricting the benefits on notional basis from the date on which petitioners assumed the charge.

6. Taking into consideration the aforesaid notification, the writ petitions referred *supra* were disposed of by the learned Single Judge vide judgment dated 13.05.2025 (Annexure P-3), with liberty

to the petitioners to seek appropriate remedies for redressal of their surviving grievances, notwithstanding any observation made in the said judgment.

7. In the aforesaid backdrop, petitioners have filed these writ petitions seeking appropriate directions to quash notification dated 08.05.2025 (Annexure P-5), and to direct the respondents to convene DPCs from the year 2020 to 2022 and promote the petitioners on actual basis, with prayer of the following identical substantive reliefs (taken from CWP No.8062 of 2026):-

- “(i) That an appropriate writ, order or directions may kindly be issued and the Notification dated 08.05.2025, Annexure P-5, may kindly be quashed/modified being arbitrary, mala fide and illegal, by directing the respondents to convene DPC from the year 2020 to 2022 and make promotion of the petitioner on actual basis from the date when the petitioner assumed the charge of the post of Principal, as has been done in similar situated persons, as is evident from Annexures P-2 & P-2/T, with all consequential benefits of pay scale, increments, arrears, seniority and the arrears may be ordered to be granted along with interest @ 9% p.a., in the interest of law and justice.
- (ii) That writ in the nature of mandamus or an appropriate writ, order or directions may kindly be issued to the respondents to deemed the petitioner promoted on regular basis as Principal with all the actual monetary benefits and the pay scale of the post of Principal (school cadre) from the date when he was given the charge of the post of Principal

(school cadre) along with interest @ 9% p.a. till the date of its actual realization.”

8. It is the case of the petitioners that in similar circumstances, Headmasters were entrusted charge of the post of Principal (School Cadre) on their existing pay scales without any additional remuneration for holding such charge during the year 2015 against their quota. Subsequently, like petitioners, later on, these Headmasters were also promoted on regular basis to the post of Principal (School Cadre) Class-I vide notification dated 17.12.2018 (Annexure P-2), but by extending to them all service benefits, including the pay band of Rs. 15600–39100 + GP Rs. 6600, from the date of assuming charge of the post of Principal, that is, from the actual date of their joining as Principal on placement basis.

9. It has been canvassed on behalf of the petitioners that Lecturers as well as Headmasters are in the feeder category to the same post of Principal (School Cadre), however, having different and distinct quotas. Though their respective promotions have to be made on the basis of seniority in their feeder cadre. However, at the same time, respondents are discriminating against the Lecturers. The School Lecturers were promoted to the post of Principal (School Cadre) vide notification dated 08.05.2025 in a similar fashion like

Headmaster, after posting them on placement basis on 29.09.2020. Whereas in the case of Headmasters, respondents have extended all financial and seniority benefits from the date of their initial appointment as Principal on placement/officiating basis, but no such benefits have been extended to the present petitioners, who were Lecturers and otherwise were competent, entitled, and eligible to be promoted as Principals. It is further submitted that the inaction of the State in delaying the DPC meetings caused substantial monetary loss to the petitioners, particularly for not extending the financial benefits to them from the initial date of appointment as Principal, which has been termed by the department as posting on placement basis, whereas petitioners have performed duties of regular Principals.

10. Learned counsel for the petitioners, to substantiate the claim of the petitioners from the date of initial appointment, has placed reliance upon the judgment dated 06.04.2026 passed by a learned Single Judge of this Court in **CWP No.9321 of 2025** titled ***Vijay Parmar and Others vs. State of H.P. & Ors.***, whereby the learned Single Judge directed the respondents to confer the benefits of regularisation as were conferred upon their counterparts in terms of the R&P Rules (Annexure P-1) from the date of assuming charge of the post on placement basis with all consequential benefits.

11. Learned counsel for the petitioners has further submitted that it is incumbent upon the respondent-Department to conduct regular DPCs at least once a year to fill up vacancies amongst eligible candidates. Reliance in this regard has been placed upon communication dated 14.11.2013 (Annexure P-4) issued by the Principal Secretary (Personnel), Government of Himachal Pradesh, regarding convening meetings of the Departmental Promotion Committee and monitoring thereof by Nodal Officers, addressed to all Administrative Secretaries, Special/Additional Secretaries, Joint Secretaries, Heads of Departments, and Deputy Commissioners. Referring to the aforesaid communication, it has been submitted that for delay in convening the DPC due to administrative laxity or any other reason, the petitioners cannot be penalised.

12. Vide aforesaid communication dated 14.11.2013, it was communicated as under:-

“Subject: Regarding timely convening of meeting(s) of Departmental Promotion Committee and monitoring by Nodal Officer - instructions thereof.

I am directed to invite your attention to the subject cited above and to say that as per procedure laid down, the meeting of Departmental Promotion Committee is required to be convened at regular annual intervals to draw panels which could be utilized for ordering promotions against the vacancies occurring during the course of a year. Time-schedule for holding the meetings of the

DPC for promotion to the posts falling within the purview of the Department concerned or HPPSC has been devised from time to time. The meetings of the DPC in respect of posts falling within the purview of Department are to be held once in a year in the month of April, as far as possible, for all the existing and anticipated vacancies. In so far as the meetings of the DPC for posts falling within the purview of Himachal Pradesh Public Service Commission are concerned, the time schedule has been spread over the month from April to December every year. In the past, the decision of the Government to the effect that DPC should be convened regularly every year and the authorities should also ensure that action to convene DPC meeting is initiated well in advance of the expiry of the previous panel, has also been circulated. It was also decided that each department should make one of their officers responsible and appoint him as Nodal Officer for monitoring the holding of DPC meetings regularly.

2. It has come to the notice of the Government that the DPC meetings are not convened in time despite clear cut decision/instructions of this Department issued from time to time resulting different legal / administrative problems and also unnecessary litigation. The delay in convening of DPC meetings results not only in financial loss to the incumbents but also affect in their future career in as much as their promotion to the next higher grade is concerned.

3. It is once again emphasized that henceforth all departments will ensure the convening of DPC meeting at regular intervals as indicated / prescribed from time to time. It is further reiterated that all the departments will appoint a Nodal Officer for monitoring the DPC meeting regularly and in time. In case of delay in holding the DPC, the Nodal Officer so appointed and/or any other erring officer/official will be held responsible and liable to disciplinary action.

4. These instructions may be brought to the notice of all concerned for guidance and strict compliance.”

13. Reply on behalf of the respondents has been filed in CWP No.8062 of 2026. Learned Deputy Advocate General stated before the Court that the pleadings in CWP No.8062 of 2026 are sufficient to adjudicate identical issue involved in all connected writ petitions and has adopted the same in all petitions.

14. In the reply filed on behalf of the respondent-State, it has been averred that there was *inter se* litigation between ad hoc Lecturers and Direct Lecturers, and pendency of the said litigation caused the delay in making regular promotions. It has been further submitted that petitioners were given charge of the post of Principal on placement basis in their own pay scales, on the basis of tentative seniority, and it was explicitly stipulated in the notification that they would not be entitled to any additional remuneration for holding the charge of Principal (School Cadre).

15. On behalf of the respondents, reliance has been placed on the judgment of the Apex Court in ***A. Francis vs. Management of Metropolitan Transport Corporation, (2014) 13 SCC 283.*** Referring to the aforesaid judgment, it has been submitted that entitlement to the salary of a higher post depends upon the terms

and conditions governing the appointment and applicable service rules, where an employee is required to discharge the duties of a higher post, subject to specific condition and without any stipulation conferring entitlement to higher pay scale, no such monetary claim can be granted merely because the employee has discharged the functions of the higher post.

16. With regard to the judgment passed by the learned Single Judge in CWP No.9321 of 2025, it has been stated that the same has not been implemented yet, as the matter is under examination in consultation with the Law Department.

17. Learned counsel for the petitioners, in rejoinder, submitted that the omission and commission on the part of the respondents is also contrary to the provisions of the Fundamental Rules applicable to the present case.

18. The R&P Rules provide 50% quota to each category, i.e. to the Headmasters and Lecturers. Both are one and the same class, constituting the feeder cadre to the post of Principal (School Cadre). Therefore, they form one homogeneous class being a feeder cadre to the post of Principal (School Cadre). Even if Headmasters and Lecturers are treated as separate classes, then also, with regard to

promotions to be made against their respective quotas to the post of Principal (School Cadre), it is incumbent upon the respondents, for constitutional duty of the employer, i.e. respondents, to pass similar orders in the case of Headmasters as well as Lecturers under identical facts and circumstances. Headmasters were given charge of the post of Principal in the same fashion like the Lecturers. However, in the case of Headmasters, financial benefits including the higher pay scale were extended from the date of initial appointment, whereas in the case of Lecturers, such benefits were extended only on a notional basis, and on actual basis only after regular promotion vide notification dated 08.05.2025. Therefore, on the ground of discrimination, amongst two similarly situated classes, the action of the respondents is required to be interfered with.

19. For combination of appointments and holding a post in a substantive or officiating capacity, Fundamental Rule 49, contained in Chapter VI (Combination of Appointments) of the Fundamental Rules, provides that when a Government servant is formally appointed to hold full charge of the duties of higher post in the same office and in the same cadre/line of promotion in addition to ordinary duties, he shall be allowed the pay admissible to him of

the higher post. Relevant portion of Fundamental Rule 49 reads as under:-

“F.R. 49. The Central Government may appoint a Government servant already holding a post in a substantive or officiating capacity to officiate, as a temporary measure, in one or more of other independent posts at one time under the Government. In such cases, his pay is regulated as follows:-

- (i) where a Government servant is formally appointed to hold full charge of the duties of a higher post in the same office as his own and in the same cadre/line of promotion, in addition to his ordinary duties, he shall be allowed the pay admissible to him, if he is appointed to officiate in the higher post, unless the Competent Authority reduces his officiating pay under Rule 35; but no additional pay shall, however, be allowed for performing the duties of a lower post;
- (ii) where a Government servant is formally appointed to hold dual charges of two posts in the same cadre in the same office carrying identical scales of pay, no additional pay shall be admissible irrespective of the period of dual charge: Provided that, if the Government servant is appointed to an additional post which carries a special pay, he shall be allowed such special pay;
- (iii) where a Government servant is formally appointed to hold charge of another post or posts which is or are not in the same office, or which, though in the same office, is or are not in the same cadre/line of promotion, he shall be allowed the pay of the higher post, or of the highest post, if he holds charg  of more than two posts, in addition to ten per cent of the presumptive pay of the additional post or posts, if the

additional charge is held for a period exceeding 45 days but not exceeding 3 months:

Provided that if in any particular case, it is considered necessary that the Government servant should hold charge of another post or posts for a period exceeding 3 months, the concurrence of Department of Personnel and Training shall be obtained for the payment of the additional pay beyond the period of 3 months;

- (iv) where an officer is formally appointed to hold full additional charge of another post, the aggregate of pay and additional pay shall in no case exceed Rs 2,25,000;
- (v) no additional pay shall be admissible to a Government servant who is appointed to hold current charge of the routine duties of another post or posts irrespective of the duration of the additional charge;
- (vi) if compensatory or sumptuary allowances are attached to one or more of the posts, the Government servant shall draw such compensatory or sumptuary allowances as the Central Government may fix:

Provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.”

20. From a perusal of Fundamental Rule 49, it is unambiguously clear that the petitioners are entitled to the pay scale of the higher post from the date of their initial appointment, from which date they have discharged duties of Principal.

21. It is also relevant to refer here that as per stand taken by the respondents that Lecturers were given charge of the post of Principal on placement, and therefore, are not entitled to the salary/higher pay scale of the higher post. This notion appears to be misconceived because placement of an employee is always against a post of the same category or ranking. There cannot be a placement of an employee of a feeder cadre to a cadre to which appointment can be made only on promotion. In a placement, the pay scale of the two posts must be similar, however, that is not so in the case of two distinct cadres, where one is a feeder cadre and the other is a promotional cadre. Therefore, the plea taken by the respondents that the petitioners are not entitled to the pay admissible to the higher post is unsustainable.

22. In Fundamental Rule 49, it is provided that a person appointed to officiate in the higher post shall be entitled to the salary of the higher post, unless the competent authority reduces his officiating pay under Fundamental Rule 35. Fundamental Rule 35 provides that the Government may fix the pay of an officiating Government servant at an amount less than that admissible under the rules. In any case, though the Government is entitled to fix a lesser pay for an officiating Government servant, but at the same

time, the respondent-State cannot pick and choose so as to fix a reduced officiating pay for one category (Lecturers) while releasing the full pay scale in the case of other category, i.e. Headmasters. Furthermore, it is not a case where the Government has fixed the pay of officiating Government servants under FR 35. In fact, there is a simpliciter denial of payment of the salary of the higher post despite extracting the full duties of Principal (School Cadre) from the Lecturers.

23. The judgment passed by the Apex Court in ***State of Punjab and another vs. Dharam Pal, (2017) 9 SCC 395***, is also relevant, wherein the Apex Court, relying upon its previous decision in ***Secretary-cum-Chief Engineer vs. Hari Om Sharma, (1998) 5 SCC 87***, upheld the judgment of the High Court directing the employer department to extend financial benefits to employees who were directed to discharge the duties of higher posts on an officiating basis and retired as such.

24. In given facts and circumstances, judgment in ***A. Francis vs. Management of Metropolitan Transport Corporation, (2014) 13 SCC 283***, relied upon by the respondent-State is of no help to the respondents.

25. In view of the aforesaid exposition of law laid down by the Apex Court, read with Fundamental Rule 49 and keeping in view the benefit extended by the respondent-Department to the Headmasters, this Court is of the considered opinion that there is merit in the claim of the petitioners and the plea of the respondents cannot be sustained.

26. Accordingly, the action of the respondents in denying the actual financial benefits, including the higher salary, pay scale, and grade pay etc., to the petitioners from the date they actually assumed charge of the post of Principal (School Cadre), is quashed and declared to be illegal and bad in law.

27. The respondents are directed to confer the benefits of the higher pay scale payable to the post of Principal upon the petitioners from the date of their initial assumption of charge on placement basis or otherwise, with all consequential benefits.

28. The requisite monetary benefits and arrears shall be computed and disbursed to the petitioners as expeditiously as possible and latest by **30.11.2026**.

29. The writ petitions are allowed and disposed of in the aforesaid terms. All pending application(s), if any, also stand disposed of.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

16th September, 2026
(Pardeep)