IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.36 of 2026
Reserved on : 20.07.2026
Decided on : 24.07.2026
Uploaded on : 24.07.2026

HPSEBL and Anr. ...appellants.

Versus

Narender Kumar …Respondent

Coram

Hon'ble Mr. Gurmeet Singh Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the appellants	:	Ms. Sunita Sharma, Sr. Advocate with Mr. Aman Hansretta, Advocate.
For the respondent(s)	:	Mr. Surender Sharma, Sr. Advocate with Mr. Sidharth Negi, Advocate.

Bipin Chander Negi, Judge

The present appeal has been preferred against the impugned judgment dated 01.07.2025, passed in ***CWP No.8150 of 2024***, ***titled Narender Kumar versus HP State Electricity Board Limited and another,*** vide which the writ petition preferred by the present respondent, has been allowed.

2. The present appellants were the respondent in CWP No.8150 of 2024, decided on 01.07.2025, wherefrom the present appeal arises. The grievance raised therein by the writ

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

petitioner/present respondent was with respect to rejection of a representation dated 02.05.2024 preferred by the writ petitioner (Annexure P-3 page 85 of the paper book) vide letter dated 30.05.2024 (Annexure P-4 page 86 of the present paper book). In the representation so filed, the writ petitioner/present respondent had categorically asserted that on revision of pay scales with effect from 01.01.2016, notified vide office order No.1 dated 12.4.2022 (Annexure R-1 at page 105 of the paper book) the writ petitioner/present respondent had exercised an option to come over to the revised pay scales with effect from 01.01.2016 by a multiple factor of 2.59.

3. Further, in the representation, it was categorically asserted by the writ petitioner/present respondent that the revised pay band was notified vide office order No.8 dated 08.07.2022 (Annexure R-V at page 130 of the paper book)for some categories applicable with effect from 01.10.2012.After issuance of the revised pay band, i.e., Annexure R-V, the writ petitioner/present respondent contended that he failed to exercise an option with respect to 15% hike from the date of his promotion to the post of Senior Assistant on 01.05.2017 as, according to the writ petitioner/present respondent, the

order regarding revised pay band (Annexure R- V) was not in his notice.

4. As a consequence whereof, in the representation, it has been submitted that juniors of the writ petitioner, who had exercised option with respect to 15% hike as applicable to them are drawing a higher salary. Hence, a consideration of the case of the petitioner in the facts and circumstances narrated was sought in order to enable the writ petitioner/present respondent to exercise an option with respect to 15% hike with effect from 01.05.2017, i.e., date of promotion to the post of Senior Assistant.

5. The aforesaid representation was rejected vide letter dated 30.05.2024 (Annexure P-4 at page 86 of the paper book). In the rejection, the reason for rejection cited was that with respect to revised pay scale of employees with effect from 01.01.2016, vide office order bearing No. 1 dated 12.04.2022 (Annexure R -1, page 105 of the paper book) an opportunity to exercise option had been given initially for two months in terms of Clause 6 of Regulation dated 12.04.2022 (Annexure R-1 page 105 of the paper book) and further extensions were granted vide office order No.7 dated 08.06.2022, office order No.10 dated 23.07.2022, and office order No.11 dated

15.09.2022 (collectively appended along with as Annexure-IV from page 124 to 128 along with the reply filed by the present appellants/respondents before the Writ Court). Besides the aforesaid in the rejection letter it had been stated that in terms of order No.8 dated 08.07.2022 employees had been given an opportunity to revise their option.

6. In view thereof, it was submitted that time to exercise option had been given up to 12.10.2022, which, according to the present appellants/respondents before the Writ Court, was sufficient time to exercise an option. In the aforesaid backdrop, the representation (Annexure P-3 page 85 of the paper book) was rejected as having been submitted at a belated stage.

7. Heard counsel for the parties, perused the writ record.

8. The reasons contained in letter dated 30.05.2024 (Annexure P-4 page 86 of the present paper book) whereby the representation preferred by the writ petitioner (Annexure P-3 page 85 of the paper book) has been rejected needs to be examined in light of the law laid down in ***Mohinder Singh Gill v. Chief Election Commr., (1978) 1 SCC 405,*** relevant extract whereof reads as under**:**

> *"8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose, J. in Gordhandas Bhanji:*
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> *"Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself."*
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> *Orders are not like old wine becoming better as they grow older.*

9. The Revised Pay Regulations of 2022 are dated 12.04.2022 (Annexure R-1, page 105 of the paper book). As per the same, in terms of Clause 6 contained therein, an employee was to exercise an option within a period of two

months from the date of issuance of these Regulations. In the case at hand, the writ petitioner/present respondent had exercised an option for pay fixation by a factor of 2.59. The option so exercised has been placed on record as Annexure R-2 (page 119 of the paper book), the same is dated 09.05.2022. Hence, from the same, it is evident that within a period of two months from the issuance of Revised Pay Regulations, 2022, dated 12.04.2022 (Annexure R-1), the writ petitioner/present respondent had exercised his option in terms of the aforesaid Regulations.

10. Time for exercise of option in terms of order No.1 dated 12.04.2022 (Annexure R-I) was extended up to 12.08.2022, vide office order No.7 dated 08.06.2022 (Annexure R-IV at page 124 of the paper book). Thereafter an Office Order No.10 dated 23.07.2022 (Annexure R-IV, page 126 of the paper book) was issued in continuation of Office Order No.8 dated 08.07.2022 (Annexure R-V, at page 130 of the paper book) whereby employees were given an opportunity to revise their option up to 12.08.2022 as notified vide office order No.7 dated 08.06.2022. Other than the aforesaid, in continuation of Office Order No.10, dated 23.07.2022 vide Office Order No.11 dated 15.09.2022

(Annexure R-IV, page 128 of the paper book), time for exercising the option consequent upon Order No.8 dated 08.07.2022 (Annexure R-V, at page 130 of the paper book) was further extended up to 12.10.2022.

11. Order No.8 dated 08.07.2022 (Annexure R-V, at page 130 of the paper book) mentioned in Office Order No.10, dated 23.07.2022 and Office Order No.11 dated 15.09.2022 as correctly pointed out by the learned single judge has nothing to do with Revised Pay Regulations, 2022, notified vide Office Order No.1, dated 12.04.2022 (Annexure R-1). The aforesaid extension of time, vide office order No.7 dated 08.06.2022 up to 12.08.2022 (Annexure R-IV at page 124 of the paper book), Office Order No.10 dated 23.07.2022 (Annexure R-IV, page 126 of the paper book) and Office Order No.11 dated 15.09.2022 (Annexure R-IV, page 126 of the paper book) to exercise the option pertained to the Revised Pay Regulations, 2022, notified vide Office Order No.1, dated 12.04.2022 (Annexure R-1). They had nothing to do with Office Order dated 13.04.2022 (Annexure R-III, page 121 of the paper book) which spoke of a 15% enhancement. Findings so returned by the learned Single Judge cannot be faulted

with, and hence call for no interference in the appeal in this respect.

12. The appellants/respondents in the writ petition had issued an Office Order dated 13.04.2022 (Annexure R-III, page 121 of the paper book). A perusal of Clause 3 thereof categorically reflects that in cases where an employee had been placed in a higher pay scale between 01.01.2016 and the date of notification pertaining to the Revised Pay Regulations, 2022 (Annexure R-1) on account of promotion, the employee would have an option to switch over to the revised pay structure from the date of such promotion. In terms of the said Office Order, an employee could opt for a minimum increase of 15% over and above the formulation of existing basic pay + nominal dearness allowance calculated at the rate of 113% in accordance with the instructions contained in the Office Order. In terms of the said order necessary amendments in the relevant rules were required to be got done. No amended rules made in pursuance of Office Order dated 13.04.2022 (Annexure R-III, page 121 of the paper book) have been placed on record.

13. The appellants/respondents before the Writ Court, vide Office Order No.8 dated 08.07.2022 (Annexure R-V at

page 130 of the paper book), revised the pay band of its employees with effect from 01.10.2012. In terms thereof, pay was to be re-fixed with effect from 01.10.2012 to 31.12.2015 notionally, as per the revised pay structure contained therein; however, 50% of the total arrears were to be given for the period from 01.01.2016 to 12.04.2022.

14. Vide Office Order No.10 dated 23.07.2022 (Annexure R-IV, page 126 of the paper book) issued in continuation of Office Order No.8 dated 08.07.2022 (Annexure R-V, at page 130 of the paper book) employees were given an opportunity to revise their option within the extended period as notified vide Office Order No.7 dated 08.06.2022 (Annexure R-IV, at page 124 of the paper book), wherein time had been extended to exercise the option up to 12.08.2022 in pursuance of the Revised Pay Regulations, 2022, notified vide Office Order No.1 dated 12.04.2022 (Annexure R-1, page 105 of the paper book). Similarly Office Order No.11 dated 15.09.2022 (Annexure R-IV, page 126 of the paper book) had been issued extending time to exercise the option up to 12.10.2022.

15. Hereinabove, in Office Order No.8 dated 08.07.2022 (Annexure R-V at page 130 of the paper book), Office Order No.10 dated 23.07.2022 (Annexure R-IV, page

126 of the paper book) issued in continuation of Office Order No.8 dated 08.07.2022 (Annexure R-V, at page 130 of the paper book) and Office Order No.11 dated 15.09.2022 (Annexure R-IV, page 126 of the paper book) conspicuous by absence is a mention of the Office Order dated 13.04.2022 (Annexure R-III, page 121 of the paper book), whereby the option of a 15% hike with effect from the date of promotion if any, made between 01.01.2016 and 12.04.2022, i.e., the date of issuance of Office Order No.1, Revised Pay Regulations, 2022 had been granted.

16. In the case at hand, it is an admitted position that the writ petitioner/present respondent had been promoted to the post of Senior Assistant on 01.03.2017. Hence, in the case at hand, the writ petitioner/present respondent satisfied the condition specified in Clause 3 of Office Order dated 13.04.2022 (Annexure R-III, at page 121 of the paper book), whereby, in order to be eligible to avail the benefits of the said Office Order, the employee should have been promoted between 01.01.2016 and 12.04.2022 (i.e., issuance of Office Order No. 1 pertaining to the Revised Pay Regulations, 2022).

17. In the aforesaid backdrop, the learned Single Judge has correctly come to the conclusion that, qua the issuance of

Office Order dated 13.04.2022, the writ petitioner/present respondent was not aware, as the writ petitioner/present respondent was posted in the field. It was only when the writ petitioner/present respondent was posted at Headquarters in January 2023 that the writ petitioner became aware of the disparity in his pay vis-à-vis his juniors, which warranted further scrutiny by the writ petitioner and on a further inquiry made by the writ petitioner/present respondent it transpired that the aforesaid pay disparity was attributable to the option exercised by his juniors in terms of Office Order dated 13.04.2022. It is in the said background that the representation dated 02-05-2024 i.e Annexure P-3 was made by the writ petitioner.

18. The Office Order dated 13.04.2022 (Annexure R-3, Page 121 of the paper book) pertains to financial aspects and has serious implications towards the monthly salary of the writ petitioner/present respondent. Merely stating that the said letter was in the public domain, i.e., on the website of the respondents, was not enough to dispense with the requirement of bringing it to the notice of the government employee for whose benefit it had been issued. Since the order dated 13.04.2022 had serious financial implications for

the writ petitioner/present respondent, merely displaying it on the website of the respondents would not discharge the burden of publishing it through an accepted, reasonable mode. The learned Single Judge has, therefore, correctly concluded that in filing the writ petition wherefrom the impugned judgement arises, there was no delay on the part of the writ petitioner/present respondent as it was only filed once the writ petitioner became aware of Office Order dated 13.04.2022.

19. In this respect, reliance has been correctly placed by the learned Single Judge on the judgment dated 24.04.2025, passed in ***CWP No. 1558 of 2024, titled Satish Kumar vs. State of H.P. & Ors***. Reference can also be gainfully made to ***Harla vs. State of Rajasthan AIR(1951) SC 936***. The relevant text whereof is reproduced hereinbelow:

> *"Natural justice requires that before a law can become operative it must be promulgated or published. It must be broadcast in some recognisable way so that all men may know what it is; or, at the very least, there must be some special rule or regulation or customary channel by or through which such knowledge can be acquired with the exercise of due and reasonable diligence. The thought that a decision reached in the secret recesses of a chamber to which the public have no access and to which even their*

accredited representatives have no access and of which they can normally know nothing, can nevertheless affect their lives, liberty and property by the mere passing of a Resolution without anything more is abhorrent to civilised man. It shocks his conscience. In the absence therefore of any law, rule, regulation or custom, we hold that a law cannot come into being in this way. Promulgation or publication of some reasonable sort is essential."

20. For the aforesaid reasons and those given in the impugned judgement the present appeal is dismissed being devoid of any merit. Pending miscellaneous application(s), if any stands disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

24th July, 2026
(Gaurav Rawat)