



2026 INSC 885

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. _____ OF 2026
(Arising out of SLP(C) Nos.33813-33824 of 2025)

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP(C) No.33813 of 2025 @
Ex.Petition No.423 of 2023)

STATE OF HIMACHAL PRADESH AND ANOTHER

APPELLANTS

A1 : STATE OF HIMACHAL PRADESH, THROUGH
SECRETARY EDUCATION

A2 : DIRECTOR OF HIGHER EDUCATION, SHIMLA

VERSUS

JAMEET SINGH AND ANR.

RESPONDENTS

R1 : JAMEET SINGH

R2 : KULDEEP SHARMA

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP(C) No.33814 of 2025 @
Ex.Petition No.52 of 2024)

STATE OF HIMACHAL PRADESH AND ORS

APPELLANTS

A1 : STATE OF HIMACHAL PRADESH, THROUGH
SECRETARY EDUCATION

A2 : DIRECTOR OF HIGHER EDUCATION, SHIMLA

A3 : PRINCIPAL, GOVERNMENT SENIOR SECONDARY SCHOOL

VERSUS

PRADEEP THAKUR

RESPONDENT

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP(C) No.33815 of 2025 @
Ex.Petition No.559 of 2024)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANTS

**A1 : STATE OF HIMACHAL PRADESH, THROUGH
SECRETARY EDUCATION**

A2 : DIRECTOR OF HIGHER EDUCATION, SHIMLA

A3 : DISTRICT TREASURY OFFICER, KANGRA

VERSUS

SUNIL KUMAR AND ORS.

RESPONDENTS

R1 : SUNIL KUMAR

R2 : TRISHLA DEVI

R3 : KESHAV SINGH

R4 : SATISH KUMAR

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP(C) No.33816 of 2025 @
Ex.Petition No.615 of 2024)

STATE OF HIMACHAL PRADESH AND ANOTHER

APPELLANTS

**A1 : STATE OF HIMACHAL PRADESH, THROUGH
SECRETARY EDUCATION**

A2 : DIRECTOR OF HIGHER EDUCATION, SHIMLA

VERSUS

VIDYA BHUSHAN AND ANR.

RESPONDENTS

R1 : VIDYA BHUSHAN

R2 : JAGDISH SINGH

CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No.33817 of 2025 @
Ex.Petition No.627 of 2024)

STATE OF HIMACHAL PRADESH AND ANOTHER

APPELLANTS

A1 : STATE OF HIMACHAL PRADESH, THROUGH PRINCIPAL
SECRETARY (EDUCATION)

A2 : DIRECTOR ELEMENTARY HIGHER EDUCATION, SHIMLA

VERSUS

POONAM AND ANR.

RESPONDENTS

R1 : POONAM

R2 : SUSHMA SHARMA

CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No.33818 of 2025 @
Ex.Petition No.628 of 2024)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANTS

A1 : STATE OF HIMACHAL PRADESH, THROUGH
SECRETARY EDUCATION

A2 : DIRECTOR OF HIGHER EDUCATION, SHIMLA

A3 : DIRECTOR ELEMENTARY HIGHER EDUCATION, SHIMLA

VERSUS

ANIL KUMAR SHARMA

RESPONDENT

CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No.33819 of 2025 @
Ex.Petition No.630 of 2024)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANTS

**A1 : STATE OF HIMACHAL PRADESH, THROUGH
SECRETARY EDUCATION**

A2 : DIRECTOR OF HIGHER EDUCATION, SHIMLA

A3 : DEPUTY DIRECTOR OF HIGHER EDUCATION MANDI

VERSUS

ANIL KUMAR AND ANR.

RESPONDENTS

R1 : ANIL KUMAR

R2 : MANJEET

**CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP(C) No.33820 of 2025 @
Ex.Petition No.730 of 2024)**

STATE OF HIMACHAL PRADESH AND ORS

APPELLANTS

**A1 : STATE OF HIMACHAL PRADESH, THROUGH
SECRETARY EDUCATION**

A2 : DIRECTOR OF HIGHER EDUCATION, SHIMLA

A3 : DISTRICT TREASURY OFFICER, CHAMBA

VERSUS

NARDEV SINGH JANDROTIA

RESPONDENT

**CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP(C) No.33821 of 2025 @
Ex.Petition No.731 of 2024)**

STATE OF HIMACHAL PRADESH AND ANOTHER

APPELLANTS

**A1 : STATE OF HIMACHAL PRADESH, THROUGH PRINCIPAL
SECRETARY (EDUCATION)**

A2 : DIRECTOR OF HIGHER EDUCATION, SHIMLA

VERSUS

NAVEEN KUMAR

RESPONDENT

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP(C) No.33822 of 2025 @
Ex.Petition No.732 of 2024)

STATE OF HIMACHAL PRADESH AND ANOTHER

APPELLANTS

A1 : STATE OF HIMACHAL PRADESH, THROUGH PRINCIPAL
SECRETARY (EDUCATION)

A2 : DIRECTOR OF HIGHER EDUCATION, SHIMLA

VERSUS

OM PRAKASH

RESPONDENT

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP(C) No.33823 of 2025 @
Ex.Petition No.737 of 2024)

STATE OF HIMACHAL PRADESH AND ANOTHER

APPELLANTS

A1 : STATE OF HIMACHAL PRADESH, THROUGH PRINCIPAL
SECRETARY (EDUCATION)

A2 : DIRECTOR OF HIGHER EDUCATION, SHIMLA

VERSUS

SHASHI PAUL RANA

RESPONDENT

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP(C) No.33824 of 2025 @
Ex.Petition No.739 of 2024)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANTS

**A1 : STATE OF HIMACHAL PRADESH, THROUGH SECRETARY
EDUCATION**

A2 : DIRECTOR OF HIGHER EDUCATION, SHIMLA

A3 : DEPUTY DIRECTOR HIGHER EDUCATION, CHAMBA

VERSUS

REETA BHATT

RESPONDENT

O R D E R

Heard learned Advocate General for the appellants and learned counsel for the respondents.

2. Leave granted.

3. The present appeals are directed against the impugned order dated 12.08.2024 passed by the Division Bench of the High Court of Himachal Pradesh at Shimla in Ex. Petition No.423 of 2023 with Ex. Petitions No.52, 559, 615, 627, 628, 630, 730, 731, 732, 737 and 739 of 2024.

4. The aforesaid execution proceedings were initiated by the respondents for implementation of the order dated 10.01.2013 passed by the Division Bench of the High Court in CWP No.264 of 2013-G whereby the Writ Petition filed by the respondents was disposed of by directing the appellants that in case the respondents were found to be similarly situated to the respondents in ***State of Himachal Pradesh v. Rakesh Chand and Others***, LPA No.105 of 2010 and **connected matters**¹, similar treatment would be extended to them.

¹ 2012 SCC OnLine HP 7732

5. Learned Advocate General for the appellants submits that by the order passed in the writ proceedings, the respondents were held entitled to the initial of the pay scale attached to the posts of JBT Teachers, as revised from time to time, and were directed to be paid salary along with admissible allowances. It is contended that the High Court ought not to have granted any relief to the respondents for the reason that they were appointed sometime between 1998 and 2000 and were fence-sitters, who approached the High Court only after the judgment came to be passed in **Rakesh Chand (supra)** in LPA No.105 of 2010 and analogous cases on 13.12.2012.

5.1. It is further submitted that in their Writ Petition, the respondents had specifically prayed that they be extended the same benefit as had been granted by the Division Bench to the persons covered by the judgment in LPA No.105 of 2010 and analogous cases. Learned Advocate General submits that the operative portion of the said judgment clearly indicates that the respondents therein were School Lecturers and were held to be equivalent to JBT Teachers for the purpose of entitlement to the pay scale. The Court had held that they would be entitled to the initial of the pay scale attached to the posts of JBT Teachers, as revised from time to time.

5.2. It is further submitted that in the execution proceedings, the High Court travelled beyond the directions contained in the order sought to be executed and in effect, misdirected itself by going behind the said order. The principle sought to be applied by the High Court, as upheld in LPA No.108 of 2012, related to JBT

Teachers alone and not to School Teachers. More importantly, it was not the case of the respondents in their Writ Petition that they should be granted the relief subsequently granted by the High Court and upheld in LPA No.108 of 2012.

5.3. Learned Advocate General further submits that even during the execution proceedings and in the impugned order, the High Court recorded that the State had taken a decision to grant such relief to the respondents. However, the High Court misread the communication dated 06.08.2024 issued by the Director, Higher Education, Himachal Pradesh, inasmuch as the said communication contained a caveat that it was subject to the final outcome of the legal remedies available to the State.

5.4. It is submitted that the aforesaid communication was issued only to avert the immediate threat of coercive action against the State and its officers in the execution proceedings, and that the State had approached this Court by way of the present proceedings, raising a grievance that there had been a wrong interpretation by the High Court, in the execution proceedings, in granting the respondents the benefit of admissible allowances. It is further submitted that if such fence-sitters are permitted to approach the Courts belatedly and the delay is condoned, the financial burden upon the State Exchequer would be enormous, running into hundreds of crores of rupees, not only by way of arrears but also as a continuing and permanent/perpetual liability.

6. Learned counsel for the respondents, on the other hand, submits that while deciding the batch of cases in LPA No.105 of 2010 and analogous cases, the High Court had categorically recorded

that LPA No.108 of 2012 filed by the State stood dismissed. It is submitted that LPA No.108 of 2012 arose out of a decision, whereby JBT Teachers were held entitled to the pay scale along with admissible allowances. Thus, according to the learned counsel, the impugned order falls within the jurisdiction of the High Court and suffers from no infirmity, as the principle regarding entitlement to fixed basic pay along with allowances has already been upheld.

6.1. It is further submitted that merely because the respondents may have approached the Court belatedly and the order passed in the Writ Petition may not have been happily worded, they ought not to be visited with adverse consequences. Learned counsel has also submitted that the persons covered by LPA No.105 of 2010 have been granted the benefit of payment of admissible allowances by the appellants themselves.

7. Having considered the matter its entirety, we are of the view that a case for interference by this Court has been made out.

8. At the outset, we find that in the impugned order, the High Court has misdirected itself by going behind the order, the implementation whereof was sought in the execution proceedings. The relevant portion of the impugned order dated 12.08.2024 reads thus:-

"18. In the aforesaid background, in present Execution Petitions vide orders dated 24.6.2024, 24.7.2024 and 26.7.2024, respondents were directed to ensure compliance of orders/judgment passed by the Court in letter and spirit. It is apt to record that judgment dated 30.11.2010 passed in CWP(T) No. 6037 of 2008, which was affirmed by the Division Bench in LPA No. 108 of 2012 has been implemented by respondents-State by releasing salary to the contract employees/JBTs on the basis of minimum pay scale of existing scale on the revised rate admissible to the post on revision plus allowances, alongwith consequential

benefits.”

9. From the above, it is clear that the Division Bench had categorically held that JBT Teachers appointed on contract basis, would be entitled to the initial of the pay scale attached to the posts of JBT Teachers, as revised from time to time. It was further clarified that the principle applied in the case of JBT Teachers would, in equal force, apply to the posts of School Lecturers appointed on contract basis.

10. There appears to be some confusion in the impugned order of the High Court, particularly with regard to LPA No.108 of 2012 and the category of employees to whom the principle therein related. From the records, it appears that LPA No.108 of 2012 relates to JBT Teachers, whereas it is an admitted position that the respondents herein are School Lecturers.

11. We may now consider the objection of the appellants that in service matters, fence-sitters cannot ordinarily claim the benefit of a subsequent development merely because they may be similarly situated to persons who had diligently pursued their claims before the appropriate forum at the relevant time.

12. In the present case, there was no representation whatsoever much less any proceedings before an appropriate forum initiated by the respondents until the judgment in LPA No.105 of 2010 and its analogous cases dated 13.12.2012. The cause of action arose between the years 1998 and 2000. Thus, approaching the Court after more than twelve years, cannot be regarded as *bona fide* conduct.

13. Further, the respondents were aware of what was ultimately

held in the judgment dated 13.12.2012 in LPA No.105 of 2010 and analogous cases, wherein the principle governing payment had been clearly spelt out. There is absolutely no explanation as to why despite being aware of the said judgment, the respondents, though not JBT Teachers, did not specifically plead before the High Court in their writ petition that their case was also covered by the principle laid down in the proceedings culminating in LPA No.108 of 2012. Even the Division Bench of the High Court, while disposing of the writ petition filed by the respondents, granted relief in terms of LPA No.105 of 2010 and analogous cases. Thus, there can be no ambiguity or confusion with regard to the intent and import of the order passed in the case of the respondents.

14. We accordingly, hold that the order dated 10.01.2013 is required to be implemented in accordance with the principle laid down by the Division Bench in its judgment dated 13.12.2012 in LPA No.105 of 2010 and analogous cases, that is, the respondents would be entitled to the initial of the pay scale attached to the posts of JBT Teachers, as revised from time to time. Thus, the respondents would be entitled to the pay scale of Rs.6,400/- prior to 31.12.2005 and Rs.10,300/- with effect from 01.01.2006, as a necessary consequence of the order passed by the High Court, which was required only to be implemented.

15. The Execution Court could not have travelled beyond the order sought to be executed or gone behind the interpretation thereof, particularly, when the order itself did not require any further or special interpretation. The impugned order is therefore liable to be set aside.

16. For the reasons aforesaid, the present appeals are allowed. The impugned order dated 12.08.2024 passed by the Division Bench of the High Court of Himachal Pradesh at Shimla in Ex. Petition No.423 of 2023 along with Ex. Petitions No.52, 559, 615, 627, 628, 630, 730, 731, 732, 737 and 739 of 2024 is hereby set aside. The respondents shall be entitled to the pay scale as reflected in the order dated 13.12.2012 passed by the High Court of Himachal Pradesh in LPA No.105 of 2010 and its analogous cases, namely, the initial of the pay scale attached to the posts of JBT Teachers, as revised from time to time.

17. Pending application(s), if any, shall stand disposed of.

.....J.
[AHSANUDDIN AMANULLAH]

.....J.
[R. MAHADEVAN]

NEW DELHI
AUGUST 11, 2026

ITEM NO.65

COURT NO.9

SECTION III-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).33813-33824/2025

[Arising out of impugned final judgment and order dated 12-08-2024 in EP No.423/2023 12-08-2024 in EP No. 52/2024 12-08-2024 in EP No. 559/2024 12-08-2024 in EP No. 615/2024 12-08-2024 in EP No. 627/2024 12-08-2024 in EP No. 628/2024 12-08-2024 in EP No. 630/2024 12-08-2024 in EP No. 730/2024 12-08-2024 in EP No. 731/2024 12-08-2024 in EP No. 732/2024 12-08-2024 in EP No. 737/2024 12-08-2024 in EP No. 739/2024 passed by the High Court of Himachal Pradesh at Shimla]

STATE OF HIMACHAL PRADESH & ANR. ETC.

Petitioner(s)

VERSUS

JAMEET SINGH & ANR. ETC.

Respondent(s)

(IA No. 277678/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 11-08-2026 These matters were called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Mr. Anoop Kumar Rattan, Advocate General
Mr. Nishant Kumar, AoR
Mr. Anubhav Sharma, Adv.
Mr. Puneet Rajta, Adv.

For Respondent(s) Ms. Radhika Gautam, AoR

O R D E R

Heard learned Advocate General for the appellants and learned counsel for the respondents.

2. Leave granted.

3. The appeals are allowed in terms of the signed reportable

order.

4. Pending application(s), if any, shall stand disposed of.

(SAPNA BISHT)

COURT MASTER (SH)

(POOJA KOHLI)

COURT MASTER (NSH)

(Signed reportable order is placed on the file)