

No. FIN-(PR)B(7)-2/2001  
Government of Himachal Pradesh  
Finance (Pay Revision) Department

Dated Shimla-171002, the 31<sup>st</sup> May, 2010

**OFFICE MEMORANDUM**

The undersigned is directed to invite your kind attention to this Department's OFFICE MEMORANDUM of even number dated 15<sup>th</sup> January, 2002 wherein the Administrative Departments were requested that in the matter preferred by the employees for allowing of higher pay scale, selection grade special pay and other financial benefits from a back date, the replying respondents should invariably take a defence on the strength of the Judgment passed by Hon'ble Supreme Court of India in case of Jai Dev Gupta Vs. State of Himachal Pradesh, reported in AIR 1998 SC. 2819, that the arrears/back wages should be restricted for a period of three years only. In case the Hon'ble Court do not agree with the defence of the Government/Department, the matter should be agitated before the higher Court by way of appropriate remedy.

It has been noticed that the instructions are not being adhered by the Departments causing huge financial burden on the State exchequer.

It is, therefore, once again reiterated that as and when any dispute is taken to Court by the employees regarding allowing of higher pay scale, selection grade, special pay and other financial benefits from a back date, the replying respondent should take a defence that the back arrears be restricted to a period of three years only on the strength of judgment referred to above. In case the Hon'ble Courts do not agree with the defence of the Government/Department, the matter should be agitated before the higher Court by way of appropriate remedy.



Special Secretary (Finance) to the  
Government of Himachal Pradesh.

To

**All Secretaries to the  
Government of Himachal Pradesh**

No. FIN-(PR)B(7)-2/2001 Dated Shimla-171002, the 31<sup>st</sup> May, 2010.

Copy forwarded for information and necessary action:

1. The Pr. Accountant General, Himachal Pradesh Shimla 171003.
2. The Senior Deputy Accountant General (A&E), Himachal Pradesh, Shimla-171003.
3. The Resident Commissioner. Himachal Bhawan, Sikandra Road, New Delhi.
4. The Advocate General, Himachal Pradesh, Shimla for necessary action.
5. The Additional Advocate General, Himachal Pradesh, Shimla-2 for necessary action.
6. All Heads of Departments in Himachal Pradesh.
7. All Deputy Commissioners in Himachal Pradesh.
8. All Superintendents of Police in H.P.
9. The Registrar, High Court, H.P. Shimla.
10. All District and Session Judges in Himachal Pradesh.
11. The Director Treasuries and Accounts Organisation, Shimla-9
12. All Distt. Treasury Officers .Treasury Officers in H.P.
13. All Controller/Joint Controller/Deputy Controller/Assistant Controller (F&A) in Himachal Pradesh.
14. The Resident Commissioner Pangi, Chamba, Himachal Pradesh.
15. The Examiner, Local Audit Department, H.P. Shimla-2
16. All Section Officers in H.P. Secretariat, Shimla-2.

  
Special Secy. (Finance) to the  
Government of Himachal Pradesh