
(2012) 08 SHI CK 0028
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 5911 of 2012-A

Ashok Kumar, Suresh Kumar and Anista Fishta APPELLANT
Vs
State of H.P. RESPONDENT

Date of Decision : 01-08-2012

Acts Referred:

Citation : (2012) 08 SHI CK 0028

Hon'ble Judges : Kurian Joseph, C.J.; Dharam Chand Chaudhary, J

Bench : Division Bench

Advocate : Harish Dod, vice Mr. Virender Singh Rathore, for the Appellant; R.K. Bawa, Advocate General with Mr. Ankush Dass Sood, Additional Advocate General, for the Respondent

Judgement

Justice Kurian Joseph, C.J.—The Writ Petition is filed with the following prayer(s):-

ii). That the writ in the nature of mandamus may kindly be issued, directing the respondents to extend the benefit of due and admissible merger of 50% Dearness Allowance with basic pay as per memorandum dated 10-06-2005 to the petitioners by further directing the respondents to pay the arrears in single instalment with all consequential benefits to the petitioners with interest in view of the judgment titled as "Nek Ram Vs. State of H.P." i.e. C.W.P. (T) No. 14232/2008.

ii) That the respondents may kindly be directed to grant revised pay scale to the petitioners from the date of their initial appointment on contract basis and till the date of regularization and arrears accrued there under be paid with interest @ 9% per annum in single installment in the interest of justice.

According to the petitioners, the issue is covered in their favour by the judgment of this Court rendered in CWP (T) No. 14232 of 2008, titled as Nek Ram & others Versus State of H.P. & others, decided on 17.11.2009. If that be so, similar treatment shall be extended to the petitioners herein as well, as extended to the petitioners in the above referred decision, in case the petitioners are also

similarly situated, within a period of three months from the date of production of a copy of this judgment along with a copy of the writ petition by the petitioner concerned before the second respondent. We also make it clear that in case the subject matter is pending before the Apex Court, the implementation of this judgment need only be subject to the outcome of the said case within another two months.

2. As far as the entitlement of the petitioners for revised pay scale is concerned, the parties shall be governed by the decision of this Court in LPA No. 105 of 2010, subject to its finality.

The writ petition is disposed of, so also the pending application(s), if any.