
(2010) 10 SHI CK 0329
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 5195 of 2008

Dila Ram

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 22-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0329

Hon'ble Judges : Kurian Joseph, C.J;V.K. Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition has been filed with the following prayer:

(i) That the respondents may be directed to step-up the pay of the applicant with reference to his juniors and bring it at par with them i.e. fix the basic pay of the applicant at Rs. 1720/- (un-revised) w.e.f. 3.8.1986, the date from which his juniors were fixed at that scale.

(ii) That the respondents be directed to grant the arrears of pay to the applicant w.e.f. 3.8.1986 to date alongwith interest at the rate of 18% per month.

2. In reply, at para 3 it is stated as follows:

That the present original application filed by the applicant is not maintainable, because as per the information received from the District Primary Education Officer, Kullu that the applicant joined the services of the respondents department as JBT Teacher on 23.4.1968 and thereafter in the year 1985 he was promoted as Head Teacher and was subsequently given the benefits of increments under 22(a) & 22 (c). On the revision of the scale, his pay was fixed at Rs. 1640/- on 1.1.1986, whereas Sh. Dinu Ram whose instance has been referred in the present O.A. was also fixed at Rs. 1640/- on 1.1.1986 after the revision of pay scale. But, however, later on after the completion of 8 years services he was granted proficiency step-up as were provided in the new pay scale and was fixed at Rs. 1680/- on 1.1.1986 and on 3.8.1986 the pay of Sh. Dinu Ram was fixed at

Rs. 1720/- by virtue of proficiency step i.e. after the completion of 18 years continuous service in the same post because Sh. Dinu Ram was appointed as JBT teacher in the year 3.8.1968 thereby he was entitled for the benefit of proficiency step up. On the other hand, Sh. Dila Ram was promoted as H.T. from reserve category in 1985 before the revision of pay scale. Therefore, he was not entitled for any kind of proficiency step up. Hence he could not be brought at par with Sh. Dinu Ram as he was working as JBT and the petitioner was working as H.T. Therefore, as both the teachers were working on the different post, so the petitioner could not be brought at par with Sh. Dinu Ram. Sh. Dinu Ram was promoted as H.T. on 20.11.95 but by that time the applicant had already been promoted as C.H.T. vide order dated 17.6.1989. However, it is submitted that as per the information received from the respondent No. 3 now the applicant has brought at par with Sh. Dinu Ram w.e.f. 9.3.99 i.e. from the date when Sh. Dinu Ram has been promoted as C.H.T. as now both the teachers are working in identical post.

3. In case the petitioner has still any grievance left, in view of the stand which is taken in the reply, the petitioner may approach the first respondent in which case the matter will be duly considered by the said respondent with notice to the petitioner and appropriate orders will be passed within another four months.

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