

(2013) 01 SHI CK 0074
In the High Court Of Himachal Pradesh
Case No : CWP 188 of 2013-I

Dinesh Pathania and Others	Vs	APPELLANT
State of Himachal Pradesh and Others		RESPONDENT

Date of Decision : 08-01-2013

Acts Referred:

Citation : (2013) 01 SHI CK 0074

Hon'ble Judges : Kurian Joseph, C.J; Sanjay Karol, J

Bench : Division Bench

Advocate : Abhishek Dogra, for the Appellant; Shrawan Dogra, Advocate General with Mr. J.K. Verma, D.A.G., for the Respondent

Judgement

Kurian Joseph, C.J.—The writ petition is filed with the following prayers:-

- i) Issue a writ of mandamus directing the respondents to pay at least the minimum of the revised pay scale of subsequent revision of pay scale (applicable w.e.f. 1.1.2006) to the petitioners from the date of their initial appointment up till the date of issuance of notification of revised pay scales i.e. dated 26th August, 2009 as extended to the regular counterparts, i.e. (TGT's/OT's/School Lecturers) who holds the similar post in view of the judgment of this Hon'ble Court in "State of H.P. versus Rakesh Chand and others" i.e. LPA 105/2010 and further directing respondents to pay the arrears with all consequential benefits to the petitioners with interest.
- ii) Further issue a writ of mandamus directing the respondents to extend the benefit of due and admissible merger of 50% Dearness Allowance with basic pay in view of the judgment titled as "Nek Ram vs. State of H.P." i.e. CWP (T) No. 14232/2008.

As far as prayer No. 1 is concerned, 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 also be extended to the

petitioners herein also, as extended to the petitioner in the above referred decision, in case the petitioners are also similarly situated.

2. As far as prayer No. 2 is concerned, according to the petitioners, the issue is covered in their favour by the judgment of this Court dated 13.12.2012, in LPA No. 105 of 2010, titled as State of H.P. & others versus Rakesh Chand & others and connected matters. If that be so, a similar treatment shall also be extended to the petitioners herein also, in case the petitioners are also similarly situated. The needful shall be done 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 and copy of judgments referred to above, by the petitioner before the second respondent. The writ petition is disposed of, so also the pending applications, if any.

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