

(2010) 11 SHI CK 0132
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 6465 of 2008

Ganesh Dutt

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 11-11-2010

Acts Referred:

Citation : (2010) 11 SHI CK 0132

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

Bench : Division Bench

Judgement

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

(i) That the orders dated 14.9.1999 vide Annexure A-5 ordering the recovery from the pay of the applicant, may kindly be quashed and set-aside.

(ii) That the action of the Respondents in reducing the pay scale of the applicant from Rs. 300-600/700-1200/1640-2925/5480-8925 to Rs. 125-300/300-600/700-1200/4020-6200, without giving any notice and a prior hearing on the basis of the order dated 14.9.1999 (A-5) may kindly be quashed and set-aside.

(iii) That the cut off date i.e. 31.12.1965 as contained in the orders dated 14.9.1999 (A-5), which discriminates the applicant and which denies the pay scale of Rs. 300-600/700-1200/1640-2925/5480-8925 as was given to Asstt. Librarians who were appointed and were working prior to 31.12.1965, may be quashed and set-aside.

(iv) That the applicant may be held entitled to the pay scale of Rs. 300-600 w.e.f. the date of his appointment on 14.11.1972 and the subsequent Revised Pay Scales thereof, as was granted to 20 Asst. Librarians as per office memorandum dated 7.7.1981 and also to the applicants in OA 543/86 on the principal of equal pay for equal work forthwith.

(v) That the applicant may be held entitled to the pay scale of

300-600/700-1200/1640-2925/5480-8925, including arrears and pay and allowances in the said pay scales forthwith. vi) That the Respondents may be directed to give the revised pay scale of 300-600 to 5480-8925 and the corresponding revised pay scales thereof, to the applicant, during the pendency of the OA, as per the Rules, if any, forthwith.

2. It is seen that an identical issue was considered by this Court leading to judgment dated 22.3.2010 in CWP(T) No. 6018 of 2008. It is also submitted that the judgment has become final. The operative portion of the judgment reads as follows:

Annexure A-2 dated 16.6.1994 is quashed and set aside only to the extent whereby the relief has been confined only to Senior Assistant Librarians of the Education Department as a measures personal to the existing incumbents after applying the principle of severalty. In other words, Respondents are directed to implement the judgment dated 26.7.1993 in letter and spirit by granting pay scale of Rs. 300-600 to the Petitioners and similarly situate persons within a period of ten weeks from today and they are also held entitled to revision of pay scales effected from time to time. There shall, however, be no order as to costs.

3. Therefore, this writ petition is disposed of in terms of the judgment referred to above with a further direction to extent similar treatment to the Petitioner here in also as has been extended to the Petitioners in the judgment referred to above, ignoring any orders to the contra passed by the Respondents. Needless to say that the direction, as above, will be subject to the finality attained by the judgment in CWP(T) No. 6018 of 2008.

4. The Writ Petition is disposed of, so also the pending application(s), if any.